



Journal of the Senate

Number 12

Thursday, February 27, 1992

CALL TO ORDER

The Senate was called to order by the President at 9:00 a.m. A quorum present—35:

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

PRAYER

The following prayer was offered by the Rev. Randy Ray, Pastor, Temple Baptist Church, Tallahassee:

Heavenly Father, we thank you for the opportunity to be servants. Lord, those who sit in this chamber serve many people in this state and I pray that on their behalf and behalf of the people of this state that there would be extraordinary wisdom on this day.

I pray that you would give each senator clarity of mind and an open heart, wonderful understanding, Lord, to be able to carry out and enact the laws of this state that would make life better and more pleasing, not only to the citizens, but to you. Now we ask you to bless this session. In Christ's name, we pray. Amen.

CONSIDERATION OF RESOLUTION

On motion by Senator Langley, by two-thirds vote **SR 2494** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Langley—

SR 2494—A resolution commending The Villages of Orange Blossom Gardens.

WHEREAS, The Villages of Orange Blossom Gardens has, since its inception, provided significant resources, both in manpower and finances, to promoting the health and physical fitness of all its residents, and

WHEREAS, the Villages, in addition to hosting events for its own 9,000 residents, hosts annually the Florida Senior Games, The Master Sports Program for Senior Special Olympians, as well as the Senior Pro Amateur Bowling Tournament, and

WHEREAS, on March 4, 1992, the Villages will host the seventh annual Battle of the Sexes made up of 28 events to promote healthful, fitness activities, in an atmosphere of friendly competition, and

WHEREAS, this year's Battle of the Sexes is expected to draw over 1,000 participants and to be staged by 100 volunteers, NOW, THEREFORE,

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

That The Villages of Orange Blossom Gardens and its staff are commended on their outstanding efforts in promoting physical fitness and community spirit among the residents of The Village and of this state.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to The Villages of Orange Blossom Gardens as a tangible token of the sentiments of the Florida Senate.

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

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Gordon, by two-thirds vote **Senate Bills 32, 124, 130, 202, 204, 322, 330, 1508, 1772 and 2296** were withdrawn from the committees of reference and further consideration.

On motion by Senator Meek, by two-thirds vote **SB 1284** was withdrawn from the committee of reference and further consideration.

On motions by Senator Thomas, by two-thirds vote **SB 1098** was withdrawn from the Committees on Commerce and Education; **CS for SB 1768, SB 1646 and CS for SB 602** were withdrawn from the Committee on Judiciary; **CS for SB 1884** was withdrawn from the Committee on Governmental Operations; **SB 2178** was withdrawn from the Committee on Community Affairs; and **HB 2269** was withdrawn from the Committee on Professional Regulation.

On motion by Senator Thomas, by two-thirds vote **CS for CS for CS for SB 1526** was referred to the Committee on Commerce.

MOTIONS

On motion by Senator Thomas, by two-thirds vote all bills remaining on the Special Order Calendar this day were established as the Special Order Calendar for Tuesday, March 3.

On motion by Senator Thomas, by two-thirds vote the conference committee reports on **CS for HB 2101 and CS for HB 2103** were placed on the Special Order Calendar for Wednesday, March 4.

SPECIAL ORDER

Consideration of **HB 1795, SB 28 and CS for SB 316** was deferred.

CS for SB 550—A bill to be entitled An act relating to vessels; amending s. 327.19, F.S.; providing requirements with respect to vessels which are dismantled, destroyed, or changed in a certain way; amending s. 328.03, F.S.; defining the terms "total loss," "salvage," and "junk"; providing title requirements with respect to certain vessels; providing for the forwarding by insurance companies of the titles of vessels to the Department of Natural Resources under certain circumstances; providing for the issuance of "salvage" and "theft" titles, and notice of cancellation of title for "junk" vessels, by the department; providing for inspections and notification by the department upon the sale of vessels with salvage or theft titles; amending s. 328.05, F.S.; providing a penalty for the knowing possession, sale, exchange, or transfer, or offer thereof, of a certificate of title or manufacturer's vessel hull identification number plate or serial plate for certain vessels; providing an effective date.

—was read the second time by title. On motion by Senator Crotty, by two-thirds vote **CS for SB 550** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31 Nays—None

SB 718—A bill to be entitled An act relating to license fees for motorcycles, motor-driven cycles, and mopeds; amending s. 320.08, F.S.; restricting the use of such fees to funding the Florida Motorcycle Safety Education Program; providing an effective date.

—was read the second time by title.

Senator Kurth moved the following amendments which were adopted:

Amendment 1—On page 1, strike all of lines 11 and 12 and insert:

Section 1. Paragraph (d) of subsection (1) and paragraph (e) of subsection (3) of section 320.08, Florida Statutes, are amended to read:

Amendment 2—In title, on page 1, strike all of lines 3 and 4 and insert: motorcycles, motor-driven cycles, mopeds, and trucks; amending s. 320.08, F.S.; redefining "antique truck"; restricting the use

Amendment 3—On page 1, between lines 28 and 29, insert:

(3) TRUCKS.—

(e) An antique truck: \$7.50 flat. An "antique truck" is any truck with a net weight of not more than 4,400 ~~3,000~~ pounds manufactured more than 20 years prior to the current date and equipped with an engine manufactured more than 20 years prior to the current date or an engine manufactured to the specifications of the original engine.

On motion by Senator Beard, by two-thirds vote **SB 718** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32 Nays—None

CS for SB 720—A bill to be entitled An act relating to invitations to bid, requests for proposals, and related documents; amending s. 119.07, F.S.; exempting from public records requirements certain invitations to bid and requests for proposals and related documents; providing an exception; providing for review and repeal; providing an effective date.

—was read the second time by title.

Senator Diaz-Balart moved the following amendment which was adopted:

Amendment 1—On page 1, line 20, strike "three" and insert: 10

On motion by Senator Diaz-Balart, by two-thirds vote **CS for SB 720** 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—1

CS for SB 316—A bill to be entitled An act relating to theft; creating s. 812.15, F.S.; providing that it is unlawful to obtain personal property or equipment by trick or false pretenses, to hire or lease personal property with intent to defraud, or to fail to return hired or leased personal property; providing penalties; providing prima facie evidence of fraudulent intent; providing an effective date.

—was read the second time by title.

Senator Grant moved the following amendment which was adopted:

Amendment 1—On page 3, between lines 7 and 8, insert:

(5) EXCLUSION OF RENTAL-PURCHASE AGREEMENTS.—This section does not apply to personal property or equipment that is the subject of a rental-purchase agreement that permits the lessee to acquire ownership of the personal property or equipment.

On motion by Senator Grant, by two-thirds vote **CS for SB 316** 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 1180—A bill to be entitled An act relating to the Board of Trustees of the Internal Improvement Trust Fund; amending s. 253.03, F.S.; revising the distribution of proceeds from the sale or use of lands held or leased by the Board of Trustees of the Internal Improvement Trust Fund; amending s. 253.034, F.S.; providing for deposit into the Internal Improvement Trust Fund and the Conservation and Recreation Lands Trust Fund of a portion of proceeds from the sale of certain lands; providing an effective date.

—was read the second time by title.

The Committee on Natural Resources and Conservation recommended the following amendment which was moved by Senator Forman and adopted:

Amendment 1 (with Title Amendment)—On page 1, lines 20-31, and on page 2, lines 1-5, strike all of said lines and insert:

(2) It is the intent of the Legislature that the Board of Trustees of the Internal Improvement Trust Fund continue to receive proceeds from the sale or disposition of the products of lands and the sale of lands of which the use and possession are not subsequently transferred by appropriate

lease or similar instrument from the board of trustees to the proper using agency. Such using agency shall be entitled to the proceeds from the sale of products on, under, growing out of, or connected with lands which such using agency holds under lease or similar instrument from the board of trustees. The Board of Trustees of the Internal Improvement Trust Fund is directed and authorized to enter into leases or similar instruments, ~~without consideration,~~ for the use, benefit, and possession of public lands by state agencies which may properly use and possess them for the benefit of the state. ~~The board of trustees shall adopt by rule an annual administrative fee for all existing and future leases or similar instruments, to be charged agencies that are leasing land from it. This annual administrative fee assessed for all leases or similar instruments is to compensate the board for costs incurred in the administration and management of such leases or similar instruments.~~

And the title is amended as follows:

In title, on page 1, strike all of lines 4-7 and insert: s. 253.03, F.S.; providing that the Board of Trustees of the Internal Improvement Trust Fund shall adopt by rule a fee to be charged to certain agencies as compensation for activities performed by the board; amending s. 253.034,

Senator Forman moved the following amendments which were adopted:

Amendment 2 (with Title Amendment)—On page 1, line 16, insert:

Section 1. Subsections (1) and (3) of section 253.01, Florida Statutes, are amended to read:

253.01 Internal Improvement Trust Fund established.—

(1)(a) So much of the 500,000 acres of land granted to this state for internal improvement purposes by an Act of Congress passed March 3, A. D. 1845, as remains unsold, and the proceeds of the sales of such lands heretofore sold as now remain on hand and unappropriated, and all proceeds that may hereafter accrue from the sales of such lands; and all the swampland or lands subject to overflow granted this state by an Act of Congress approved September 28, A. D. 1850, together with all the proceeds that have accrued or may hereafter accrue to the state from the sale of such lands, are set apart, and declared a separate and distinct fund called the Internal Improvement Trust Fund of the state, and are to be strictly applied according to the provisions of this chapter.

(b) All revenues derived from application fees charged by the Division of State Lands for the use in any manner, lease, conveyance, or release of any interest in or for the sale of state lands, except revenues from such fees charged for aquaculture leases pursuant to s. 253.71(2), shall be placed into the Internal Improvement Trust Fund. The fees charged by the division for reproduction of records relating to state lands shall also be placed into the fund.

(c) Notwithstanding ~~any the provisions of law to the contrary, all s. 253.034,~~ proceeds from the sale of ~~any~~ state-owned lands located in the Everglades Agricultural Area shall be deposited into the Internal Improvement Trust Fund. ~~The principal amount derived from such sales shall be held in escrow and invested in the manner described in s. 215.49. The interest earnings derived from such investments shall be used for purposes authorized in this section.~~

~~(3) The Trustees of the Internal Improvement Trust Fund are authorized to spend up to 100 percent of the revenue received from leases of state land in the Everglades Agricultural Area to assist the cleanup and protection of Lake Okeechobee and the Everglades by providing grants to the South Florida Water Management District.~~

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 1, line 3, after the semicolon (;) insert: amending s. 253.01, F.S.; providing requirements for state-owned lands in the Everglades Agricultural Area;

Amendment 3 (with Title Amendment)—On page 3, between lines 8 and 9, insert:

Section 4. Subsection (6) of section 253.111, Florida Statutes, is amended to read:

253.111 Notice to board of county commissioners before sale.—The Board of Trustees of the Internal Improvement Trust Fund of the state may not sell any land to which they hold title unless and until they afford an opportunity to the county in which such land is situated to receive such land on the following terms and conditions:

(6) ~~The provisions of~~ This section *does de* not apply to:

(a) Any land exchange approved by the board; or

(b) ~~The conveyance of any lands located within the Everglades Agricultural Area. Lands conveyed pursuant to the provisions of s. 373.4592(4)(b).~~

And the title is amended as follows:

In title, on page 1, line 11, after the semicolon (;) insert: amending s. 253.111, F.S.; removing requirements for notice to a board of county commissioners of conveyance of any lands within the Everglades Agricultural Area;

On motion by Senator Forman, 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—37 Nays—None

MOTION

On motion by Senator Forman, the rules were waived and **SB 1180** was ordered immediately certified to the House.

CS for CS for SB 1026—A bill to be entitled An act relating to convenience business security; creating s. 812.1701, F.S.; providing a short title; amending s. 812.171, F.S.; providing for the definition of the term “convenience business”; amending s. 812.172, F.S.; providing for legislative intent; creating s. 812.1725, F.S.; providing for preemption; amending s. 812.173, F.S.; revising language with respect to convenience business security; amending s. 812.174, F.S.; revising language with respect to the training of employees; amending s. 812.175, F.S.; providing for enforcement; creating a Convenience Business Security Act Trust Fund; providing for fines and injunctive relief; providing for the authority of the Attorney General; authorizing the Department of Legal Affairs to adopt rules; providing an effective date.

—was read the second time by title.

Senator Gardner moved the following amendment which failed:

Amendment 1—On page 3, line 19, strike “1988” and insert: January 1, 1990,

On motion by Senator Jenne, by two-thirds vote **CS for CS for SB 1026** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35 Nays—1

SB 990—A bill to be entitled An act relating to juvenile offenders; amending s. 39.0255, F.S.; revising a reporting requirement for a juvenile who is issued a civil citation by a law enforcement officer; providing an effective date.

—was read the second time by title.

Senator Bankhead moved the following amendments which were adopted:

Amendment 1 (with Title Amendment)—On page 2, strike all of lines 23 and 24 and insert:

Section 2. Subsection (2) of section 39.038, Florida Statutes, is amended, and subsection (4) of said section is reenacted to read:

39.038 Release or delivery from custody.—

(2) Unless otherwise ordered by the court pursuant to s. 39.044, and unless there is a need to hold the child, a person taking a child into custody shall attempt to release the child as follows:

(a) To the child’s parent, guardian, or legal custodian or, if the child’s parent, guardian, or legal custodian is unavailable, unwilling, or unable to provide supervision for the child, to any responsible adult. The person to whom the child is released shall agree to inform the department or the

person releasing the child of the child’s subsequent change of address and to produce the child in court at such time as the court may direct, *and the child shall join in the agreement.*

(b) Contingent upon specific appropriation, to a shelter approved by the department or to a protective investigator pursuant to s. 39.401(2)(b).

(c) If the child is believed to be suffering from a serious physical condition which requires either prompt diagnosis or prompt treatment, to a law enforcement officer who shall deliver the child to a hospital for necessary evaluation and treatment.

(d) If the child is believed to be mentally ill as defined in s. 394.463(1), to a law enforcement officer who shall take the child to a designated public receiving facility as defined in s. 394.455 for examination pursuant to the provisions of s. 394.463.

(e) If the child appears to be intoxicated and has threatened, attempted, or inflicted physical harm on himself or another, or is incapacitated by substance abuse, to a law enforcement officer who shall deliver the child to a hospital, addictions receiving facility, or treatment resource.

(4) A person taking a child into custody who determines, pursuant to s. 39.044, that the child should be detained or released to a shelter designated by the department, shall make a reasonable effort to immediately notify the parent, guardian, or legal custodian of the child and shall, without unreasonable delay, deliver the child to the appropriate intake counselor or case manager or, if the court has so ordered pursuant to s. 39.044, to a detention center or facility. Upon delivery of the child, the person taking the child into custody shall make a written report or probable cause affidavit to the appropriate intake counselor or case manager. Such written report or probable cause affidavit shall:

(a) Identify the child and, if known, his parents, guardian, or legal custodian.

(b) Establish that the child was legally taken into custody, with sufficient information to establish the jurisdiction of the court and to make a prima facie showing that the child has committed a violation of law.

Section 3. This act shall take effect October 1, 1992.

And the title is amended as follows:

In title, on page 1, line 5, after the semicolon (;) insert: amending s. 39.038, F.S.; requiring the child to join in the release agreement;

Amendment 2 (with Title Amendment)—On page 2, strike all of lines 23 and 24 and insert:

Section 2. Subsection (46) of section 39.01, Florida Statutes, is amended to read:

39.01 Definitions.—When used in this chapter:

(46) “Serious or habitual juvenile offender” means a child who has been found to have committed a delinquent act or a violation of law adjudicated or convicted, or pursuant to s. 39.059 had adjudication withheld, in the case currently before the court, and who meets at least one of the following criteria:

(a) ~~Was no less than 14 years of age at the time of commission of the current offense and has been adjudicated or had adjudication withheld on~~ The current offense is for a capital, life, or first degree felony involving the infliction or threatened infliction of serious physical harm to another person.

(b) ~~Was no less than 14 years of age at the time of commission of the current offense and has been adjudicated or had adjudication withheld on~~ The current offense is for a capital, life, first, or second degree felony offense, and the child has previously been found to have committed the subject of at least three separate prior adjudications or adjudications withheld for capital, life, first, or second degree felony offenses, or third degree felony offenses involving the use of a weapon, within the preceding 24 months, with the third adjudication or adjudication withheld for an offense that occurred after the second adjudication or adjudication withheld, and the second adjudication or adjudication withheld for an offense that occurred after the first adjudication or adjudication withheld.

(c) ~~Was not less than 14 years of age at the time of the commission of~~ The current offense is, which may include any felony, and the child has previously been found to have committed the subject of at least four

separate, nonrelated ~~prior adjudications or adjudications withheld for any felony offenses~~ offense within the preceding 36 months, with the fourth adjudication or adjudication withheld for an offense that occurred after the third adjudication or adjudication withheld, and the third adjudication or adjudication withheld for an offense that occurred after the second adjudication or adjudication withheld, and the second adjudication or adjudication withheld for an offense that occurred after the first adjudication or adjudication withheld; or

(d) ~~The child was a child~~ less than 18 years of age at the time of the current offense and has been convicted in a criminal court or has had adjudication withheld pursuant to s. 39.059, and otherwise meets the criteria.

If a child who is less than 14 years of age is placed in a serious or habitual offender program, that child must be placed in a separate program for serious or habitual juvenile offenders who are under the age of 14.

Section 3. For the purpose of incorporating the amendment to section 39.01, Florida Statutes, in references thereto, subsection (5) of section 39.052, Florida Statutes, is reenacted to read:

39.052 Hearings.—

(5) **SERIOUS OR HABITUAL DELINQUENT CHILD PLACEMENT.**—Following a delinquency adjudicatory hearing pursuant to subsection (1) and a delinquency disposition hearing pursuant to subsection (3) which results in a commitment determination, the court shall, upon petition by the state, determine whether serious or habitual delinquent child placement is required for the protection of the public and whether the particular needs of the serious or habitual delinquent child would be best served by a serious or habitual delinquent children program as provided in s. 39.058. The determination shall be made pursuant to s. 39.01(46) and paragraph (3)(e).

Section 4. For the purpose of incorporating the amendment to section 39.01, Florida Statutes, in references thereto, paragraph (e) of subsection (3) and paragraph (a) of subsection (4) of section 39.058, Florida Statutes, are reenacted to read:

39.058 Serious or habitual juvenile offender.—

(3) **PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND TREATMENT.**—

(e) After a child has been adjudicated delinquent pursuant to s. 39.053(3), the court shall determine whether the child meets the criteria for a serious or habitual juvenile offender pursuant to s. 39.01(46). If the court determines that the child does not meet such criteria, the provisions of s. 39.054 shall apply.

(4) **ASSESSMENTS, TESTING, RECORDS, AND INFORMATION.**—

(a) Pursuant to the provisions of this section, the department shall implement the comprehensive assessment instrument for the treatment needs of serious or habitual juvenile offenders and for the assessment, which assessment shall include the criteria under s. 39.01(46) and shall also include, but not be limited to, evaluation of the child's:

1. Amenability to treatment.
2. Proclivity toward violence.
3. Tendency toward gang involvement.
4. Substance abuse or addiction and the level thereof.
5. History of being a victim of child abuse or sexual abuse, or indication of sexual behavior dysfunction.
6. Number and type of previous adjudications, findings of guilt, and convictions.
7. Potential for rehabilitation.

Section 5. This act shall take effect October 1, 1992.

And the title is amended as follows:

In title, on page 1, line 5, after the semicolon (;) insert: amending s. 39.01, F.S.; revising the definition of the term "serious or habitual juvenile offender"; providing for a separate program for young offenders; reenacting ss. 39.052(5), 39.058(3)(e), (4)(a), F.S., relating to serious or habitual delinquent child placement and assessments, to incorporate the amendment to s. 39.01, F.S., in references thereto;

Amendment 3 (with Title Amendment)—On page 2, strike all of lines 23 and 24 and insert:

Section 2. (1) A circuit court has jurisdiction to remove the disabilities of nonage of a minor age 16 or older residing in this state upon a petition filed by his natural or legal guardian or, if there is none, by a guardian ad litem.

(2) The petition must state the name and age of the minor and his character, habits, education, and mental capacity for business, and state the reasons why the disabilities should be removed.

(3) The court shall consider the petition and, if satisfied that the removal of the disabilities is in the minor's best interest, shall remove the disabilities of nonage and authorize him to perform all acts that he could do if he were 18 years of age.

(4) The judgment shall be recorded in the county in which the minor resides, and a certified copy shall be received as evidence of the removal of disabilities of nonage for all matters in all courts.

Section 3. This act shall take effect October 1, 1992.

And the title is amended as follows:

In title, on page 1, line 5, after the semicolon (;) insert: providing for the removal of the disabilities of nonage for certain minors;

Senator Bankhead moved the following amendment:

Amendment 4 (with Title Amendment)—On page 2, strike all of lines 23 and 24 and insert:

Section 2. Section 39.0585, Florida Statutes, is amended to read:

39.0585 Information systems.—

(1)(a) For the purpose of assisting in law enforcement administration and decisionmaking, such as juvenile diversion from continued involvement with the law enforcement and judicial systems, the sheriff of the county in which juveniles are taken into custody is encouraged to maintain a central identification file on *chronic delinquent serious-habitual juvenile offenders* and on juveniles who are at risk of becoming *chronic delinquent serious-habitual juvenile offenders* by virtue of having an arrest record.

(b) The central identification file shall contain, but not be limited to, pertinent dependency and delinquency record information maintained by the department; pertinent school records, including, information on behavior, attendance, and achievement; and pertinent information on delinquency or dependency maintained by law enforcement and the state attorney. The information obtained shall be used to develop a multi-agency information sheet on each of the juveniles *who is a chronic delinquent offender or at risk of becoming a chronic delinquent offender*. The agencies and persons specified in this paragraph shall cooperate with the sheriff in the provision of needed information and in the development of the multiagency information sheet to the greatest extent possible.

(c) *As used in this section, the term "chronic delinquent offender" means a juvenile offender who has been adjudicated delinquent and who:*

1. *Is arrested for a capital, life, or first-degree felony offense or sexual battery.*
2. *Has five or more arrests, at least three of which are for felony offenses and at least three of which must have occurred within the preceding 12-month period.*
3. *Has ten or more arrests, at least two of which are for felony offenses, and at least three of which must have occurred within the preceding 12-month period.*
4. *Has four or more arrests, at least one of which is for a felony offense and occurred within the preceding 12-month period.*
5. *Has ten or more arrests, at least eight of which are for any of the following offenses and four of which must have occurred within the preceding 12-month period:*

- a. *Petit theft;*
- b. *Misdemeanor assault;*
- c. *Possession of a controlled substance;*

- d. *Weapon or firearm violation; or*
- e. *Substance abuse.*

(2) Notwithstanding any provision of law to the contrary, confidentiality of records information does not apply to juveniles who have been arrested four or more times regarding the sharing of the information on the juvenile with the sheriff and any agency or person providing information for the development of the multiagency information sheet as well as the courts, the child, the parents or legal custodians of the child, their attorneys, or any other person authorized by the court to have access. However, such information may not be provided by the department or the sheriff to any public or private educational agency. Neither these records provided to the sheriff nor the records developed from these records for *chronic delinquent serious-habitual juvenile* offenders nor the records provided or developed from records provided to the sheriff on *at-risk juveniles at risk of becoming chronic delinquent offenders* shall be available for public disclosure and inspection under s. 119.07.

(3) In order to assist in the integration of the information to be shared, the sharing of information obtained, the joint planning on diversion and early intervention strategies for juveniles at risk of becoming *chronic delinquent serious-habitual juvenile* offenders, and the intervention strategies for *chronic delinquent serious-habitual juvenile* offenders, a multiagency task force should be organized and utilized by the sheriff in conjunction with the initiation of the information system described in subsections (1) and (2). The multiagency task force shall be composed of representatives of those agencies and persons providing information for the central identification file and the multiagency information sheet.

Section 3. Subsections (2) and (5) of section 39.044, Florida Statutes, are amended to read:

39.044 Detention.—

(2) Subject to the provisions of subsection (1), a child taken into custody and placed into nonsecure or home detention care or detained in secure detention care prior to a detention hearing may continue to be detained by the court if:

(a) The child is alleged to be an escapee or an absconder from a commitment program, a community control program, furlough, or aftercare supervision, or the child is wanted in another jurisdiction for an offense which, if committed by an adult, would be a felony;

(b) The child has been charged with a delinquent act or violation of law and requests in writing through legal counsel to be detained for protection from an imminent physical threat to his personal safety;

(c) The child is charged with a capital felony, life felony, felony of the first degree, felony of the second degree, or a felony that is also a crime of violence; or

(d) The child is charged with a serious property crime as described in s. 810.02(2) or (3) or s. 812.014(2)(c)4., any offense involving the use of a firearm, or any second-degree or third-degree felony involving a violation of chapter 893, and:

1. He has a record of failure to appear at court hearings after being properly notified in accordance with the Rules of Juvenile Procedure;
2. He has a record of law violations prior to court hearings;
3. He has already been detained or has been released and is awaiting final disposition of his case; or
4. He has a record of violent conduct resulting in physical injury to others; or
5. He is found to have been in possession of a firearm.

A child who meets these criteria and who is ordered to be detained pursuant to this subsection shall be given a hearing within 24 hours after being taken into custody. The purpose of the detention hearing is to determine the existence of probable cause that the child has committed the delinquent act or violation of law with which he is charged and the need for continued detention. The court shall utilize the results of the risk assessment performed by the intake counselor or case manager and, based on the criteria in this subsection, shall determine the need for continued detention. A child placed into secure, nonsecure, or home detention care may continue to be so detained by the court pursuant to this subsection. If the court orders a placement more restrictive than indicated by the results of the risk assessment instrument, the court shall state, in writing, clear and convincing reasons for such placement.

(5)(a) No child shall be placed into or held in secure, nonsecure, or home detention care for longer than 24 hours unless the court orders such detention care in accordance with the provisions of subsection (2). The decision as to the release of the child from detention care shall be made by order of the court. The order shall be a final order, reviewable by appeal pursuant to s. 39.069 and the Florida Rules of Appellate Procedure.

(b) A ~~No~~ child ~~may not shall~~ be held in secure, nonsecure, or home detention care under a special detention order for more than 21 days unless an adjudicatory hearing for the case has been commenced by the court.

(c) A ~~No~~ child ~~may not shall~~ be held in secure, nonsecure, or home detention care for more than 15 days following the entry of an order of adjudication unless an order of disposition pursuant to s. 39.054 has been entered by the court or unless a continuance, which ~~may shall~~ not exceed 15 days, has been granted for cause. The detention center or facility superintendent shall request that the court order the release of any child held beyond 15 days without a grant of continuance.

(d) The time limits specified in paragraphs (b) and (c) do not include periods of delay resulting from a continuance granted by the court for cause on motion of the child or his counsel or of the state.

Section 4. Paragraph (a) of subsection (1) of section 39.052, Florida Statutes, is amended to read:

39.052 Hearings.—

(1) ADJUDICATORY HEARING.—

(a) The adjudicatory hearing shall be held as soon as practicable after the petition alleging that a child has committed a delinquent act or violation of law is filed and in accordance with the Florida Rules of Juvenile Procedure; but reasonable delay for the purpose of investigation, discovery, or procuring counsel or witnesses shall be granted. If the child is being detained, the time limitations provided for in s. 39.044(5)(b) and (c) shall apply. The right to a speedy trial is ~~shall be~~ governed by the provisions of s. 39.048(7), but such right may be voluntarily waived by the child in accordance with the Florida Rules of Juvenile Procedure. *Arraignment may be conducted at an adjudicatory hearing, if the delinquency allegation for which the juvenile is being arraigned is not the subject of the impending hearing.*

Section 5. Subsection (1) of section 39.054, Florida Statutes, is amended to read:

39.054 Powers of disposition.—

(1) The court which has jurisdiction of an adjudicated delinquent child shall have the power, by an order stating the facts upon which a determination of a sanction and rehabilitative program was made at the disposition hearing, to:

(a)1. Place the child in a community control program under the supervision of an authorized agent of the department or of any other person or agency specifically authorized and appointed by the court, whether in the child's own home, in the home of a relative of the child, or in some other suitable place under such reasonable conditions as the court may direct. A community control program for an adjudicated delinquent child ~~must shall~~ include a penalty component such as restitution in money or in kind, community service, a curfew, revocation or suspension of the driver's license of the child, or other nonresidential punishment appropriate to the offense, and ~~must shall~~ also include a rehabilitative program component such as a requirement of participation in substance abuse treatment, or in school or other educational program attendance.

2. A restrictiveness level classification scale for levels of supervision shall be provided by the department, taking into account the child's needs and risks relative to community control supervision requirements to reasonably ensure the public safety. Community control programs for children shall be supervised by the department or by any other person or agency specifically authorized by the court. These programs ~~must shall~~ include, but ~~are shall~~ not be limited to, structured or restricted activities as described in subparagraph 1., and shall be designed to encourage the child toward acceptable and functional social behavior. ~~If~~ ~~When~~ supervision or a program of community service is ordered by the court, the duration of such supervision or program ~~must shall~~ be consistent with any treatment and rehabilitation needs identified for the child and ~~may shall~~

not exceed the term for which sentence could be imposed if the child were committed for the offense. ~~If~~ ~~When~~ restitution is ordered by the court, the amount of restitution ~~may shall~~ not exceed an amount the child and his parents could reasonably be expected to pay or make. A child who participates in any work program under the provisions of this chapter ~~is shall be considered~~ an employee of the state for purposes of liability, unless otherwise provided by law.

3. The court may conduct judicial review hearings for a child placed on community control for the purpose of fostering accountability to the judge and compliance with other requirements, such as restitution and community service. The court may allow early termination of community control for a child who has substantially complied with the terms and conditions of community control.

4. If the conditions of the community control program are violated, the agent supervising the community control program as it relates to the child involved, or the state attorney, may bring the child before the court on a petition alleging a violation of the program. If the child denies that he has violated the conditions of his program, the court shall give him an opportunity to be heard in person or through counsel, or both. Upon his admission or after such hearing, if the court finds that the conditions of the community control program have been violated, the court shall enter an order revoking, modifying, or continuing the program. In all cases after a revocation, the court shall enter a new disposition order and shall have full power at that time to make any disposition it could have made at the original disposition hearing.

5. Notwithstanding the provisions of s. 743.07 and subsection (4), and except as provided in s. 39.058, the term of any order placing a child in a community control program ~~must shall~~ be until his 19th birthday unless he is sooner released by the court, on the motion of an interested party or on its own motion.

(b) Commit the child to a licensed child-caring agency willing to receive the child, but the court ~~may shall~~ not commit the child to a jail or to a facility used primarily as a detention center or facility or shelter.

(c) Commit the child to the department. Such commitment ~~must shall~~ be for the purpose of exercising active control over the child, including, but not limited to, custody, care, training, and treatment of the child, and furlough of the child into the community. Notwithstanding the provisions of s. 743.07 and subsection (4), and except as provided in s. 39.058, the term of the commitment ~~must shall~~ be until the child is discharged by the department or until he reaches the age of 19.

(d) Revoke or suspend the driver's license of the child.

(e) Require the child to render community service in a public service program.

(f) As part of the community control program to be implemented by the department, or, in the case of a committed child, as part of the community-based sanctions ordered by the court at the disposition hearing or before the child's release from commitment, order the child or parent to make restitution in money or in kind for any damage or loss caused by the child's offense in a reasonable amount or manner to be determined by the court. The clerk of the circuit court shall be the receiving and dispensing agent. In such case, the court shall order the child or parent to pay to the office of the clerk of the circuit court an amount not to exceed the actual cost incurred by the clerk as a result of receiving and dispensing restitution payments. The liability of a parent under this paragraph ~~may shall~~ not exceed \$2,500 for any one criminal episode. A finding by the court, after a hearing, that the parent has made diligent good faith efforts to prevent the child from engaging in delinquent acts shall absolve the parent of liability for restitution under this paragraph. *When the child attains the age of 18, if the ordered restitution has not been paid in full, any unpaid balance may be converted by the court into a judgment lien and civil remedies shall be explained by the court to the victim who has become the judgment creditor.*

(g) Order the child to participate in a community work project, either as an alternative to monetary restitution or as part of the rehabilitative or community control program.

(h) Commit the child to the department for placement in a serious or habitual delinquent children program or facility in accordance with s. 39.058. Any commitment of a child to a program or facility for serious or habitual delinquent children ~~must shall~~ be for an indeterminate period of time, but the time ~~may shall~~ not exceed the maximum term of imprison-

ment ~~that which~~ an adult may serve for the same offense. The court may retain jurisdiction over such child until the child reaches the age of 21, specifically for the purpose of the child completing the program.

Section 6. For the purpose of incorporating the amendment to section 39.044, Florida Statutes, in references thereto, subsection (1) of section 39.037, Florida Statutes, is reenacted to read:

39.037 Taking a child into custody.—

(1) A child may be taken into custody under the following circumstances:

(a) Pursuant to an order of the circuit court issued pursuant to the provisions of this chapter, based upon sworn testimony, either before or after a petition is filed; or

(b) For a delinquent act or violation of law, pursuant to Florida law pertaining to a lawful arrest.

(c) For failing to appear at a court hearing after being properly noticed.

Nothing in this subsection shall be construed to allow the detention of a child who does not meet the detention criteria in s. 39.044.

Section 7. For the purpose of incorporating the amendment to section 39.044, Florida Statutes, in references thereto, subsections (2) and (4) of section 39.038, Florida Statutes, are reenacted to read:

39.038 Release or delivery from custody.—

(2) Unless otherwise ordered by the court pursuant to s. 39.044, and unless there is a need to hold the child, a person taking a child into custody shall attempt to release the child as follows:

(4) A person taking a child into custody who determines, pursuant to s. 39.044, that the child should be detained or released to a shelter designated by the department, shall make a reasonable effort to immediately notify the parent, guardian, or legal custodian of the child and shall, without unreasonable delay, deliver the child to the appropriate intake counselor or case manager or, if the court has so ordered pursuant to s. 39.044, to a detention center or facility. Upon delivery of the child, the person taking the child into custody shall make a written report or probable cause affidavit to the appropriate intake counselor or case manager. Such written report or probable cause affidavit shall:

(a) Identify the child and, if known, his parents, guardian, or legal custodian.

(b) Establish that the child was legally taken into custody, with sufficient information to establish the jurisdiction of the court and to make a prima facie showing that the child has committed a violation of law.

Section 8. For the purpose of incorporating the amendment to section 39.044, Florida Statutes, in references thereto, paragraph (b) of subsection (3) of section 39.042, Florida Statutes, is reenacted to read:

39.042 Use of detention.—

(3)

(b)1. The risk assessment instrument for detention care placement determinations and orders shall be developed by the department in agreement with representatives appointed by the following associations: the Conference of Circuit Judges of Florida, the Prosecuting Attorneys Association, and the Public Defenders Association. Each association shall appoint two individuals, one representing an urban area and one representing a rural area. The risk assessment instrument shall be developed and implemented not later than December 1, 1990. Such agreement must include a method for revising the risk assessment instrument. If agreement is not reached within 90 days, the parties involved shall submit in writing the reasons for not reaching agreement to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives. Until such time as the risk assessment instrument is developed, the court criteria in s. 39.044 shall be used to determine detention care placement. The parties involved shall evaluate and revise the risk assessment instrument as is considered necessary using the method for revision as agreed by the parties. The risk assessment instrument shall take into consideration aggravating and mitigating circumstances and shall be designed to target a narrower population of children than s. 39.044(2). The risk assessment instrument shall also include any information concerning the child's history of abuse and neglect. The risk assess-

ment shall indicate whether detention care is warranted, and, if detention care is warranted, whether the child should be placed into secure, nonsecure, or home detention care.

2. If, at the detention hearing, the court finds a material error in the scoring of the risk assessment instrument, the court may amend the score to reflect factual accuracy.

Section 9. For the purpose of incorporating the amendment to section 39.044, Florida Statutes, in references thereto, subsection (5) of section 39.049, Florida Statutes, is reenacted to read:

39.049 Process and service.—

(5) If the petition alleges that the child has committed a delinquent act or violation of law and the judge deems it advisable to do so, pursuant to the criteria of s. 39.044, the judge may, by endorsement upon the summons and after the entry of an order in which valid reasons are specified, order the child to be taken into custody immediately, and in such case the person serving the summons shall immediately take the child into custody.

Section 10. For the purpose of incorporating the amendment to section 39.044, Florida Statutes, in references thereto, subsection (1) of section 39.064, Florida Statutes, is reenacted to read:

39.064 Detention of furloughed child or escapee on authority of the department.—

(1) If an authorized agent of the department has reasonable grounds to believe that any delinquent child committed to the department has escaped from a facility of the department, such agent may take such child into his active custody and may deliver the child to the facility from which he escaped or, if it is closer, to a detention center for return to the facility from which he escaped. However, no child shall be held in detention longer than 24 hours, excluding Saturdays, Sundays, and legal holidays, unless a special order so directing is made by the judge after a detention hearing resulting in a finding that detention is required based on the criteria in s. 39.044(2). The order shall state the reasons for such finding. The reasons shall be reviewable by appeal or in habeas corpus proceedings in the district court of appeal.

Section 11. For the purpose of incorporating the amendment to section 39.044, Florida Statutes, in references thereto, subsection (4) of section 39.402, Florida Statutes, is reenacted to read:

39.402 Placement in a shelter.—

(4) If the child is alleged to be both dependent and delinquent, the protective investigator may authorize either placement in a shelter pursuant to this section or detention pursuant to s. 39.044.

Section 12. Section 39.0445, Florida Statutes, is created to read:

39.0445 Juvenile domestic violence offenders.—If a child is charged with the commission of a domestic violence offense against the child's parent, spouse, or child and the child does not meet the detention criteria established in s. 39.044, the court may order that the child be placed in a respite home or similar residential facility, other than a detention center, authorized by the department for the placement of juvenile domestic violence offenders.

Section 13. Section 775.089, Florida Statutes, is amended to read:

775.089 Restitution.—

(1)(a) In addition to any punishment, the court shall order the defendant in a criminal case or, pursuant to s. 39.054(1)(f), the juvenile offender in a delinquency case to make restitution to the victim for damage or loss caused directly or indirectly by the defendant's or juvenile offender's offense, unless it finds clear and compelling reasons not to order such restitution. Restitution may be monetary or nonmonetary restitution. The court shall make the payment of restitution a condition to probation in accordance with s. 948.03.

(b) If the court does not order restitution, or orders restitution of only a portion of the damages, as provided in this section, it shall state on the record in detail the reasons therefor.

(c) The term "victim" as used in this section and in any provision of law relating to restitution includes the aggrieved party, the aggrieved party's estate if the aggrieved party is deceased, and the aggrieved party's next of kin if the aggrieved party is deceased as a result of the offense.

(d) The term "juvenile offender" as used in this section includes the parents of the juvenile offender if the court so orders, subject to the limitations in s. 39.054(1)(f).

(2) When an offense has resulted in bodily injury to a victim, a restitution order entered pursuant to subsection (1) shall require that the defendant or juvenile offender:

(a) Pay the cost of necessary medical and related professional services and devices relating to physical, psychiatric, and psychological care, including nonmedical care and treatment rendered in accordance with a recognized method of healing.

(b) Pay the cost of necessary physical and occupational therapy and rehabilitation.

(c) Reimburse the victim for income lost by such victim as a result of the offense.

(d) In the case of an offense which resulted in bodily injury that also resulted in the death of a victim, pay an amount equal to the cost of necessary funeral and related services.

(3)(a) The court may require that the defendant or juvenile offender make restitution under this section within a specified period or in specified installments.

(b) The end of such period or the last such installment shall not be later than:

1. The end of the period of probation if probation is ordered;
2. Five years after the end of the term of imprisonment imposed if the court does not order probation; or
3. Five years after the date of sentencing in any other case.

(c) If not otherwise provided by the court under this subsection, restitution must be made immediately.

(4) If a defendant is placed on probation or paroled, complete satisfaction of any restitution ordered under this section shall be a condition of such probation or parole. The court may revoke probation, and the Parole Commission may revoke parole, if the defendant fails to comply with such order.

(5) An order of restitution may be enforced by the state, or a victim named in the order to receive the restitution, in the same manner as a judgment in a civil action.

(6) The court, in determining whether to order restitution and the amount of such restitution, shall consider the amount of the loss sustained by any victim as a result of the offense, the financial resources of the defendant or juvenile offender, the present and potential future financial needs and earning ability of the defendant or juvenile offender and his dependents, and such other factors which it deems appropriate.

(7) Any dispute as to the proper amount or type of restitution shall be resolved by the court by the preponderance of the evidence. The burden of demonstrating the amount of the loss sustained by a victim as a result of the offense is on the state attorney. The burden of demonstrating the present financial resources and the absence of potential future financial resources of the defendant or juvenile offender and the financial needs of the defendant or juvenile offender and his dependents is on the defendant or juvenile offender. The burden of demonstrating such other matters as the court deems appropriate is upon the party designated by the court as justice requires.

(8) The conviction of a defendant or delinquency adjudication of a juvenile offender for an offense involving the act giving rise to restitution under this section shall estop the defendant or juvenile offender from denying the essential allegations of that offense in any subsequent civil proceeding. An order of restitution hereunder will not bar any subsequent civil remedy or recovery, but the amount of such restitution shall be set off against any subsequent independent civil recovery.

(9) When a corporation or unincorporated association is ordered to make restitution, the person authorized to make disbursements from the assets of such corporation or association shall pay restitution from such assets, and such person may be held in contempt for failure to make such restitution.

(10) Any default in payment of restitution may be collected by any means authorized by law for enforcement of a judgment.

(11)(a) The court may order the clerk of the court to collect and disburse restitution payments in any case.

(b) The court may order the Department of Corrections to collect and disburse restitution and other payments from persons remanded to its custody or supervision.

(12)(a) Issuance of income deduction order with an order for restitution.—

1. Upon the entry of an order for restitution, the court shall enter a separate order for income deduction if one has not been entered.

2. The income deduction order shall direct a payor to deduct from all income due and payable to the defendant *or juvenile offender* the amount required by the court to meet the defendant's *or juvenile offender's* obligation.

3. The income deduction order shall be effective so long as the order for restitution upon which it is based is effective or until further order of the court.

4. When the court orders the income deduction, the court shall furnish to the defendant *or juvenile offender* a statement of his rights, remedies, and duties in regard to the income deduction order. The statement shall state:

- a. All fees or interest which shall be imposed.
- b. The total amount of income to be deducted for each pay period.
- c. That the income deduction order applies to current and subsequent payors and periods of employment.
- d. That a copy of the income deduction order will be served on the defendant's *or juvenile offender's* payor or payors.
- e. That enforcement of the income deduction order may only be contested on the ground of mistake of fact regarding the amount of restitution owed.
- f. That the defendant *or juvenile offender* is required to notify the clerk of court within 7 days after changes in the defendant's *or juvenile offender's* address, payors, and the addresses of his payors.

(b) Enforcement of income deduction orders.—

1. The clerk of court or probation officer shall serve an income deduction order and the notice to payor on the defendant's *or juvenile offender's* payor unless the defendant *or juvenile offender* has applied for a hearing to contest the enforcement of the income deduction order.

2.a. Service by or upon any person who is a party to a proceeding under this subsection shall be made in the manner prescribed in the Florida Rules of Civil Procedure for service upon parties.

b. Service upon the defendant's *or juvenile offender's* payor or successor payor under this subsection shall be made by prepaid certified mail, return receipt requested, or in the manner prescribed in chapter 48.

3. The defendant *or juvenile offender*, within 15 days after having an income deduction order entered against him, may apply for a hearing to contest the enforcement of the income deduction order on the ground of mistake of fact regarding the amount of restitution owed. The timely request for a hearing shall stay the service of an income deduction order on all payors of the defendant *or juvenile offender* until a hearing is held and a determination is made as to whether the enforcement of the income deduction order is proper.

4. The notice to payor shall contain only information necessary for the payor to comply with the income deduction order. The notice shall:

a. Require the payor to deduct from the defendant's *or juvenile offender's* income the amount specified in the income deduction order and to pay that amount to the clerk of court.

b. Instruct the payor to implement the income deduction order no later than the first payment date which occurs more than 14 days after the date the income deduction order was served on the payor.

c. Instruct the payor to forward within 2 days after each payment date to the clerk of court the amount deducted from the defendant's *or juvenile offender's* income and a statement as to whether the amount totally or partially satisfies the periodic amount specified in the income deduction order.

d. Specify that, if a payor fails to deduct the proper amount from the defendant's *or juvenile offender's* income, the payor is liable for the amount the payor should have deducted plus costs, interest, and reasonable attorney's fees.

e. Provide that the payor may collect up to \$5 against the defendant's *or juvenile offender's* income to reimburse the payor for administrative costs for the first income deduction and up to \$1 for each deduction thereafter.

f. State that the income deduction order and the notice to payor are binding on the payor until further notice by the court or until the payor no longer provides income to the defendant.

g. Instruct the payor that, when he no longer provides income to the defendant *or juvenile offender*, he shall notify the clerk of court and shall also provide the defendant's *or juvenile offender's* last known address and the name and address of the defendant's *or juvenile offender's* new payor, if known, and that, if the payor violates this provision, the payor is subject to a civil penalty not to exceed \$250 for the first violation or \$500 for any subsequent violation.

h. State that the payor shall not discharge, refuse to employ, or take disciplinary action against the defendant *or juvenile offender* because of an income deduction order and shall state that a violation of this provision subjects the payor to a civil penalty not to exceed \$250 for the first violation or \$500 for any subsequent violation.

i. Inform the payor that, when he receives income deduction orders requiring that the income of two or more defendants *or juvenile offenders* be deducted and sent to the same clerk of court, he may combine the amounts that are to be paid to the depository in a single payment as long as he identifies that portion of the payment attributable to each defendant *or juvenile offender*.

j. Inform the payor that if the payor receives more than one income deduction order against the same defendant *or juvenile offender*, he shall contact the court for further instructions.

5. The clerk of court shall enforce income deduction orders against the defendant's *or juvenile offender's* successor payor who is located in this state in the same manner prescribed in this subsection for the enforcement of an income deduction order against a payor.

6. A person may not discharge, refuse to employ, or take disciplinary action against an employee because of the enforcement of an income deduction order. An employer who violates this provision is subject to a civil penalty not to exceed \$250 for the first violation or \$500 for any subsequent violation.

7. When a payor no longer provides income to a defendant *or juvenile offender*, he shall notify the clerk of court and shall provide the defendant's *or juvenile offender's* last known address and the name and address of the defendant's *or juvenile offender's* new payor, if known. A payor who violates this provision is subject to a civil penalty not to exceed \$250 for the first violation or \$500 for a subsequent violation.

Section 14. Subsection (2) of section 538.07, Florida Statutes, is amended to read:

538.07 Penalty for violation of chapter.—

(2) When the lawful owner recovers stolen property from a secondhand dealer and the person who sold or pledged the stolen property to the secondhand dealer is convicted of theft, a violation of this section, or dealing in stolen property, the court shall order ~~the defendant to make~~ restitution to the secondhand dealer, pursuant to s. 775.089.

Section 15. Subsection (4) of section 538.23, Florida Statutes, is amended to read:

538.23 Violations and penalties.—

(4) When a lawful owner recovers stolen regulated metals property from a secondary metals recycler who has complied with the provisions of this part, and the person who sold the regulated metals property to the

secondary metals recycler is convicted of theft, a violation of this section, or dealing in stolen property, the court shall order the defendant to make full restitution, including, without limitation, attorneys' fees, court costs, and other expenses to the secondary metals recycler pursuant to s. 775.089.

Section 16. Section 810.115, Florida Statutes, is amended to read:

810.115 Breaking or injuring fences.—A person who ~~Whoever~~ willfully and maliciously breaks down, mars, injures, defaces, cuts, or otherwise creates or causes to be created an opening, gap, interruption, or break in any fence, or any part thereof, belonging to or enclosing land not his own, or ~~who whoever~~ causes to be broken down, marred, injured, defaced, or cut any fence belonging to or enclosing land not his own, ~~commits shall be guilty of~~ a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, and the court may require full compensation to the owner of such fence for any and all damages or losses resulting directly or indirectly from such act or commission, pursuant to s. 775.089.

Section 17. For the purpose of incorporating the amendment to section 775.089, Florida Statutes, in references thereto, subsection (2) of section 921.187, Florida Statutes, is reenacted to read:

921.187 Disposition and sentencing; alternatives; restitution.—

(2) The court shall require an offender to make restitution pursuant to s. 775.089, unless the court finds clear and compelling reasons not to order such restitution as provided in that section. If the court does not order restitution, or orders restitution of only a portion of the damages, as provided in s. 775.089, the court shall state on the record in detail the reasons therefor.

Section 18. For the purpose of incorporating the amendment to section 775.089, Florida Statutes, in references thereto, paragraph (f) of subsection (5) of section 944.17, Florida Statutes, is reenacted to read:

944.17 Commitments and classification; transfers.—

(5) The department shall also refuse to accept a person into the state correctional system unless the following documents are presented in a completed form by the sheriff or chief correctional officer, or a designated representative, to the officer in charge of the reception process:

(f) A copy of the restitution order or the reasons by the court for not requiring restitution pursuant to s. 775.089(1).

In addition, the sheriff or other officer having such person in charge shall also deliver with the foregoing documents any available presentence investigation reports as described in s. 921.231 and any attached documents.

Section 19. For the purpose of incorporating the amendment to section 775.089, Florida Statutes, in references thereto, section 947.147, Florida Statutes, is reenacted to read:

947.147 Victim restitution as condition of control release.—If the defendant is released under control release, any restitution ordered under s. 775.089 shall be a condition of such release. The Control Release Authority may revoke the offender's control release if the defendant fails to comply with such order. In determining whether to revoke control release, the Control Release Authority shall consider the defendant's employment status, earning ability, and financial resources; the willfulness of the defendant's failure to pay; and any other special circumstances that may have a bearing on the defendant's ability to pay.

Section 20. For the purpose of incorporating the amendment to section 775.089, Florida Statutes, in references thereto, subsection (2) of section 947.181, Florida Statutes, is reenacted to read:

947.181 Victim restitution as condition of parole.—

(2) If a defendant is paroled, any restitution ordered under s. 775.089 shall be a condition of such parole. The Parole Commission may revoke parole if the defendant fails to comply with such order. In determining whether to revoke parole, the Parole Commission shall consider the defendant's employment status, earning ability, and financial resources; the willfulness of the defendant's failure to pay; and any other special circumstances that may have a bearing on the defendant's ability to pay.

Section 21. For the purpose of incorporating the amendment to section 775.089, Florida Statutes, in references thereto, paragraph (e) of subsection (1) of section 948.03, Florida Statutes, is reenacted to read:

948.03 Terms and conditions of probation or community control.—

(1) The court shall determine the terms and conditions of probation or community control and may include among them the following, that the probationer or offender in community control shall:

(e) Make reparation or restitution to the aggrieved party for the damage or loss caused by his offense in an amount to be determined by the court. The court shall make such reparation or restitution a condition of probation, unless it determines that clear and compelling reasons exist to the contrary. If the court does not order restitution, or orders restitution of only a portion of the damages, as provided in s. 775.089, it shall state on the record in detail the reasons therefor.

Section 22. For the purpose of incorporating the amendment to section 775.089, Florida Statutes, in references thereto, section 948.032, Florida Statutes, is reenacted to read:

948.032 Condition of probation; restitution.—If a defendant is placed on probation, any restitution ordered under s. 775.089 shall be a condition of such probation. The court may revoke probation if the defendant fails to comply with such order. In determining whether to revoke probation, the court shall consider the defendant's employment status, earning ability, and financial resources; the willfulness of the defendant's failure to pay; and any other special circumstances that may have a bearing on the defendant's ability to pay.

Section 23. Subsection (6) of section 39.023, Florida Statutes, is amended to read:

39.023 Commission on Juvenile Justice.—The Commission on Juvenile Justice is hereby created.

(6) POWERS AND DUTIES.—The commission shall have the following powers and duties:

(a) To review and recommend programmatic and fiscal policies governing the operation of programs, services, and facilities for which the department is responsible under this part.

(b) To monitor the development and implementation of long-range juvenile justice policies, including prevention, early intervention, diversion, adjudication, and commitment.

(c) To monitor all activities of the executive and judicial branch and their effectiveness in implementing policies pursuant to this part.

(d) To advise the Governor, the President of the Senate, and the Speaker of the House of Representatives on matters relating to this part, and to submit an annual report to the Legislature no later than December 30 of each calendar year summarizing the activities and reports of the commission for the preceding year, and any recommendations of the commission for the following year.

(e) To hold public hearings and to publicize activities of the commission and of the department relating to this part, as appropriate.

(f) To monitor the delivery and use of services, programs, and facilities operated, funded, regulated, or licensed by the department for juvenile offenders and alleged juvenile offenders and for prevention, diversion, or early intervention of delinquency, and to develop programs to educate the citizenry about such services, programs, and facilities and about the need and procedure for siting new facilities.

(g) To contract for consultants as necessary and appropriate, within the limits of specific appropriations.

(h) To apply for, receive, and administer grant funds, including, but not limited to, funds available through the Office of Juvenile Justice and Delinquency Prevention.

(i) ~~(h)~~ To conduct such other activities as the commission may determine are necessary and appropriate to monitor the effectiveness of the delivery of juvenile justice under this part.

Section 24. Section 960.001, Florida Statutes, is amended to read:

960.001 Guidelines for fair treatment of victims and witnesses in the criminal justice and juvenile justice systems system.—

(1) The Department of Legal Affairs, the state attorneys, the Department of Corrections, the Parole Commission, the State Courts Administrator and circuit court administrators, the Department of Law Enforcement, and every sheriff's department, police department, or other law enforcement agency as defined in s. 943.10(4) shall develop and imple-

ment guidelines for the use of their respective agencies, which guidelines are consistent with the purposes of this act and s. 16(b), Art. I of the State Constitution and are designed to implement the provisions of s. 16(b), Art. I of the State Constitution and to achieve the following objectives:

(a) Information concerning services available to victims of *adult and juvenile crime*.—Witness coordination offices as provided in s. 43.35 shall gather information regarding the following services in the geographic boundaries of their respective circuits and shall provide such information to each law enforcement agency with jurisdiction within such geographic boundaries. Law enforcement personnel shall ensure, through distribution of a victim's rights information card or brochure at the crime scene, during the criminal investigation, and in any other appropriate manner, that victims are given, as a matter of course at the earliest possible time, information about:

1. The availability of crime victim compensation, when applicable;
2. Crisis intervention services, supportive or bereavement counseling, social service support referrals, and community-based victim treatment programs;
3. The role of the victim in the criminal or *juvenile* justice process, including what the victim may expect from the system as well as what the system expects from the victim;
4. The stages in the criminal or *juvenile* justice process which are of significance to the ~~a-crime~~ victim and the manner in which information about such stages can be obtained;
5. The right of a victim, who is not incarcerated, including the next of kin of a homicide victim, to be informed, to be present, and to be heard when relevant, at all crucial stages of a criminal or *juvenile* proceeding, to the extent that this right does not interfere with constitutional rights of the accused, as provided by s. 16(b), Art. I of the State Constitution; and

6. In the case of incarcerated victims, the right to be informed and to submit written statements at all crucial stages of the criminal proceedings and parole proceedings.

(b) Information concerning protection available to victim or witness.—A victim or witness shall be furnished, as a matter of course, with information on steps that are available to law enforcement officers and state attorneys to protect victims and witnesses from intimidation.

(c) Notification of scheduling changes.—Each victim or witness who has been scheduled to attend a criminal or *juvenile* justice proceeding shall be notified as soon as possible by the agency scheduling his appearance of any change in scheduling which will affect his appearance.

(d) Advance notification to victim or relative of victim concerning judicial proceedings; right to be present.—Any victim, relative of a minor who is a victim, or relative of a homicide victim shall receive from the appropriate agency, at the address found in the police report or other criminal report or at a more current address if such has been provided to the agency, prompt advance notification, unless the agency itself does not have advance notification, of judicial and post-judicial proceedings relating to his case, including all proceedings or hearings relating to:

1. The arrest of an accused;
2. The release of the accused pending judicial proceedings or any modification of release conditions; and
3. Proceedings in the prosecution or *petition for delinquency* of the accused, including the filing of the accusatory instrument, the arraignment, disposition of the accusatory instrument, trial or *delinquency proceeding*, sentencing, appellate review, subsequent modification of sentence, collateral attack of a judgment, and, when a term of imprisonment, *detention*, or involuntary commitment is imposed, the release of the defendant or *juvenile offender* from such imprisonment, *detention*, or commitment by expiration of sentence or parole and any meeting held to consider such release.

A victim or a victim's next of kin may not be excluded from any portion of any hearing, or trial, or *proceeding* pertaining to the offense based solely on the fact that such person is subpoenaed to testify, unless, upon motion, the court determines such person's presence to be prejudicial. The appropriate agency with respect to notification under subparagraph 1. is the arresting law enforcement agency and the appropriate agency

with respect to notification under subparagraphs 2. and 3. is the Attorney General or state attorney, unless the notification relates to a hearing concerning parole, in which case the appropriate agency is the Parole Commission. The Department of Corrections, the *Department of Health and Rehabilitative Services*, or the sheriff is the appropriate agency with respect to release by expiration of sentence or any other release program provided by law. Any victim may waive notification at any time and such waiver shall be noted in the agency's files.

(e) Consultation with victim or guardian or family of victim.—In addition to being notified of the provisions of s. 921.143, the victim of a felony involving physical or emotional injury or trauma or, in a case in which the victim is a minor child or in a homicide, the guardian or family of the victim shall be consulted by the state attorney in order to obtain the views of the victim or family about the disposition of any criminal or *juvenile* case brought as a result of such crime, including the views of the victim or family about:

1. The release of the accused pending judicial proceedings;
2. Plea agreements;
3. Participation in pretrial diversion programs; and
4. Sentencing of the accused.

(f) Return of property to victim.—Law enforcement agencies and the state attorney shall promptly return a victim's property held for evidentiary purposes unless there is a compelling law enforcement reason for retaining it. The trial or *juvenile* court exercising jurisdiction over the criminal or *juvenile* proceeding may enter appropriate orders to implement the provisions of this subsection, including allowing photographs of the victim's property to be used as evidence at the *criminal trial* or the *juvenile proceeding* in place of the victim's property when no substantial evidentiary issue related thereto is in dispute.

(g) Notification to employer and explanation to creditors of victim or witness.—A victim or witness who so requests shall be assisted by law enforcement agencies and the state attorney in informing his employer that the need for victim and witness cooperation in the prosecution of the case may necessitate the absence of that victim or witness from work. A victim or witness who, as a direct result of a crime or of his cooperation with law enforcement agencies or a state attorney, is subjected to serious financial strain shall be assisted by such agencies and state attorney in explaining to the creditors of such victim or witness the reason for such serious financial strain.

(h) Notification of right to request restitution.—Law enforcement agencies and the state attorney shall inform the victim of the victim's right to request and receive restitution pursuant to s. 775.089, and of the victim's rights of enforcement under s. 775.089(5) in the event an offender does not comply with a restitution order. The state attorney shall seek the assistance of the victim in the documentation of the victim's losses for the purpose of requesting and receiving restitution. In addition, the state attorney shall inform the victim if and when restitution is ordered.

(i) Notification of right to submit impact statement.—The state attorney shall inform the victim of the victim's right to submit an oral or written impact statement pursuant to s. 921.143 and shall assist in the preparation of such statement if necessary.

(j) Local witness coordination office.—The requirements for notification provided for in paragraphs (c), (d), and (g) may be performed by the local witness coordinating office established by s. 43.35, as appropriate.

(k) Victim assistance education and training.—Victim assistance education and training shall be offered to persons taking courses at law enforcement training facilities and to state attorneys and assistant state attorneys so that victims may be promptly, properly, and completely assisted.

(l) General victim assistance.—Victims and witnesses shall be provided with such other assistance, such as transportation, parking, separate pretrial waiting areas, and translator services in attending court, as is practicable.

(m) Victim's rights information card or brochure.—A victim of a crime shall be provided with a victim's rights information card or brochure containing essential information concerning the rights of a victim and services available to a victim as required by state law.

(n) Information concerning escape from a state correctional institution, county jail, juvenile detention facility or involuntary commitment facility.—In any case where an offender escapes from a state correctional institution, county jail, juvenile detention facility, or involuntary commitment facility, immediate notification shall be made by the institution of confinement to the state attorney of the jurisdiction where the criminal charge or petition for delinquency arose. The state attorney shall thereupon make every effort to notify the victim, material witness, parents or legal guardian of a minor who is a victim or witness, or immediate relatives of a homicide victim of the escapee. The state attorney shall also notify the sheriff of the county where the criminal charge or petition for delinquency arose. The sheriff shall offer assistance upon request.

(o) Presence of victim advocate during discovery deposition.—At the request of the victim, the victim advocate designated by state attorney's office, sheriff's office, or municipal police department, or one representative from a not-for-profit victim services organization, including, but not limited to, rape crisis centers, domestic violence advocacy groups, and alcohol abuse or substance abuse groups shall be permitted to attend and be present during any deposition of the victim.

(2)(a) A copy of the guidelines adopted by each agency shall be filed with the Governor, and subsequent changes or amendments thereto shall be likewise filed when adopted.

(b) The Governor shall advise state agencies of any statutory changes which require an amendment to its guidelines.

(c) The Executive Office of the Governor shall review the guidelines submitted pursuant to this section:

1. To determine whether all affected agencies have developed guidelines which address all appropriate aspects of this section; and

2. To encourage consistency in the guidelines and plans in their implementation in each judicial circuit and throughout the state.

(d) The Executive Office of the Governor may issue an annual report detailing each agency's compliance or noncompliance with its duties as provided under this section. In addition, the Governor may apply to the circuit court of the county where the headquarters of such agency is located for injunctive relief against any agency which has failed to comply with any of the requirements of this section, which has failed to file the guidelines, or which has filed guidelines in violation of this section, to compel compliance with this section.

(3) The state attorney and one or more of the law enforcement agencies within each judicial circuit may develop and file joint agency guidelines, as required by this section, which allocate the statutory duties among the participating agencies. Responsibility for successful execution of the entire guidelines lies with all parties.

(4) Nothing in this section or in the guidelines adopted pursuant to this section shall be construed as creating a cause of action against the state or any of its agencies or political subdivisions.

(5) Victims and witnesses who are not incarcerated shall not be required to attend discovery depositions in any correctional facility.

(6) Information gained by the victim pursuant to this chapter, including the next of kin of a homicide victim, regarding any case handled in juvenile court, may not be revealed to any outside party, except as is reasonably necessary in pursuit of legal remedies.

Section 25. Section 960.002, Florida Statutes, is amended to read:

960.002 Direct-support organization to assist victims of adult and juvenile crime.—

(1) The Governor may authorize a direct-support organization to assist in addressing the needs of victims of adult and juvenile crime. The direct-support organization shall operate under contract with the Executive Office of the Governor. Such a direct-support organization must be:

(a) Incorporated under chapter 617 and approved by the Department of State as a Florida corporation not for profit;

(b) Organized and operated to receive, hold, invest, and administer property and to make expenditures to or for the benefit of victims of adult and juvenile crime. The direct-support organization may not receive funds from the Executive Office of the Governor by grant, gift, or contract unless specifically authorized by the Legislature; and

(c) Approved by the Governor to be operating for the benefit of and in the best interest of the state.

(2) The contract must provide for:

(a) Approval of the articles of incorporation of the direct-support organization by the Governor, and for the governance of the direct-support organization by members appointed by the Governor;

(b) Submission of an annual budget for the approval of the Governor;

(c) Certification by the Governor or his designee, after conducting an annual financial and performance review, that the direct-support organization is operating in compliance with the terms of the contract and in a manner consistent with the goals of the Legislature in providing assistance to victims of adult and juvenile crime and in the best interest of the state;

(d) The release and conditions for the expenditure of any state revenues;

(e) The reversion to the state of funds held in trust by the direct-support organization if the contract is terminated; and

(f) The fiscal year of the direct-support organization to begin on July 1 and end on June 30 of each year.

(3) The Executive Office of the Governor may authorize the use of state property, facilities, and personal services subject to the provisions of this section. For the purposes of this subsection, personal services includes full-time or part-time personnel as well as payroll processing services.

(4) The direct-support organization shall make provisions for an annual financial and compliance audit of its financial accounts and records by an independent certified public accountant in accordance with rules established by the Governor. The annual audit report shall be submitted to the Governor for review and approval. Upon approval, the Governor shall certify the audit report to the Auditor General for review and approval.

(5) All records of the direct-support organization constitute public records for the purposes of chapter 119.

Section 26. Section 960.003, Florida Statutes, is amended to read:

960.003 Human immunodeficiency virus testing for persons charged with or alleged by petition for delinquency to have committed sex offenses; disclosure of results to victims.—

(1) LEGISLATIVE INTENT.—The Legislature finds that a victim of a sexual offense is entitled to know at the earliest possible opportunity whether the person charged with or alleged by petition for delinquency to have committed the offense has tested positive for human immunodeficiency virus (HIV) infection. The Legislature finds that to deny victims access to HIV test results causes unnecessary mental anguish in persons who have already suffered trauma. The Legislature further finds that since medical science now recognizes that early diagnosis is a critical factor in the treatment of HIV infection, both the victim and the person charged with or alleged by petition for delinquency to have committed the offense benefit from prompt disclosure of test results. The Legislature finds that HIV test results can be disclosed to the victim of a sexual offense while confidentiality is protected in other respects.

(2) TESTING OF PERSON CHARGED WITH OR ALLEGED BY PETITION FOR DELINQUENCY TO HAVE COMMITTED SEX OFFENSE.—In any case in which a person has been charged by information or indictment with or alleged by petition for delinquency to have committed any sexual offense proscribed in chapter 794 or s. 800.04 which involves the transmission of body fluids from one person to another, upon request of the victim or the victim's legal guardian, or of the parent or legal guardian of the victim if the victim is a minor, the court shall order such person to undergo HIV testing. The testing shall be performed under the direction of the Department of Health and Rehabilitative Services in accordance with s. 381.004. The results of an HIV test performed on a defendant or juvenile offender pursuant to this subsection shall not be admissible in any criminal or juvenile proceeding arising out of the alleged sexual offense.

(3) DISCLOSURE OF RESULTS.—

(a) The results of the test shall be disclosed, under the direction of the Department of Health and Rehabilitative Services, to the person charged with or alleged by petition for delinquency to have committed the offense, and, upon request, shall also be disclosed to the victim or the victim's legal guardian, or the parent or legal guardian of the victim if the victim is a minor. The test results shall not be disclosed to any other person except as expressly authorized by law or court order.

(b) At the time that the results are disclosed to the victim or the victim's legal guardian, or to the parent or legal guardian of a victim if the victim is a minor, the same immediate opportunity for face-to-face counseling which must be made available under s. 381.004 381.609(3)(e) to those who undergo HIV testing shall also be afforded to the victim or the victim's legal guardian, or to the parent or legal guardian of the victim if the victim is a minor. The Department of Health and Rehabilitative Services is responsible for ensuring that test results are disclosed in accordance with the terms of this subsection.

(4) POST-CONVICTION TESTING.—If, for any reason, the testing requested under subsection (2) has not been undertaken, then upon request of the victim or the victim's legal guardian, or the parent or legal guardian of the victim if the victim is a minor, the court shall order the offender to undergo HIV testing following conviction or delinquency adjudication. The testing shall be performed under the direction of the Department of Health and Rehabilitative Services, and the results shall be disclosed in accordance with the provisions of subsection (3). The test results shall not be disclosed to any other person except as expressly authorized by law or court order.

(5) EXCEPTIONS.—The provisions of subsections (2) and (4) do not apply if:

(a) The person charged with or convicted of or alleged by petition for delinquency to have committed or adjudicated delinquent for a sexual offense as described in subsection (2) has undergone HIV testing voluntarily or pursuant to procedures established in s. 381.004 381.609(3)(i)6. or s. 951.27, or any other applicable law or rule providing for HIV testing of criminal defendants, or inmates, or juvenile offenders subsequent to his arrest, or conviction, or delinquency adjudication for the sexual offense for which he was charged or alleged by petition for delinquency to have committed; and

(b) The results of such HIV testing have been furnished to the victim or the victim's legal guardian, or the parent or legal guardian of the victim if the victim is a minor.

(6) TESTING DURING INCARCERATION, DETENTION, OR PLACEMENT; DISCLOSURE.—In any case in which a person convicted of or adjudicated delinquent for a sexual offense described in subsection (2) has not been tested under subsection (2), but undergoes HIV testing during his incarceration, detention, or placement, the results of the initial HIV testing shall be disclosed to the victim or the victim's legal guardian, or to the parent or legal guardian of the victim if the victim is a minor, upon request. Except as otherwise requested by the victim or the victim's legal guardian, or the parent or guardian of the victim if the victim is a minor, if the initial test is conducted within the first year of the inmate's imprisonment, detention, or placement, the request for disclosure shall be considered a standing request for any subsequent HIV test results obtained within 1 year after the initial HIV test performed, and need not be repeated for each test administration. Where the inmate or juvenile offender has previously been tested pursuant to subsection (2) the request for disclosure under this subsection shall be considered a standing request for subsequent HIV results conducted within 1 one year of the test performed pursuant to subsection (2). If the HIV testing is performed by an agency other than the Department of Health and Rehabilitative Services, that agency shall be responsible for forwarding the test results to the Department of Health and Rehabilitative Services for disclosure to the victim or the victim's legal guardian, or the parent or legal guardian of the victim if the victim is a minor, in accordance with subsection (3). This subsection shall not be limited to results of HIV tests administered subsequent to June 27, 1990, but shall also apply to the results of all HIV tests performed on inmates convicted of or juvenile offenders adjudicated delinquent for sex offenses as described in subsection (2) during their incarceration, detention, or placement prior to June 27, 1990. The test results shall not be disclosed to any other person except as expressly authorized by law or court order.

Section 27. Section 960.01, Florida Statutes, is amended to read:

960.01 Short title.—The provisions of ss. 960.01-960.28 this chapter shall be known and may be cited as the "Florida Crimes Compensation Act."

Section 28. Section 960.02, Florida Statutes, is amended to read:

960.02 Declaration of policy and legislative intent.—The Legislature recognizes that many innocent persons suffer personal injury or death as a direct result of adult and juvenile criminal acts or in their efforts to prevent crime or apprehend persons committing or attempting to commit adult and juvenile crimes. Such persons or their dependents may thereby suffer disabilities, incur financial hardships, or become dependent upon public assistance. The Legislature finds and determines that there is a need for government financial assistance for such victims of adult and juvenile crime. Accordingly, it is the intent of the Legislature that aid, care, and support be provided by the state, as a matter of moral responsibility, for such victims of adult and juvenile crime. It is the express intent of the Legislature that all state departments and agencies cooperate with the Department of Legal Affairs in carrying out the provisions of this chapter.

Section 29. Section 960.03, Florida Statutes, is amended to read:

960.03 Definitions.—As used in ss. 960.01-960.28, unless the context otherwise requires, the term:

(1) "Claimant" means any person filing a claim pursuant to this chapter.

(2) "Department" means the Department of Legal Affairs.

(3) "Crime" means the commission by any person, including a juvenile offender, of a felony or misdemeanor offense punishable under the laws of this state, which is punishable under the criminal laws of this state and which results in physical injury or death. The term also includes any such criminal act which is committed within this state but which falls exclusively within federal jurisdiction. "Crime" also includes any violation of s. 316.193, which violation results in physical injury or death; however, no other act involving the operation of a motor vehicle, boat, or aircraft which results in injury or death shall constitute a crime for the purpose of this chapter unless the injury or death was intentionally inflicted through the use of such vehicle, boat, or aircraft or unless such vehicle, boat, or aircraft is an implement of a crime to which this act applies. "Crime" also includes any such criminal act committed outside of this state against a resident of this state that would have been compensable if it had occurred in this state and that occurred in a state that does not have an eligible crime victim compensation program as the term is defined in the federal Victims of Crime Act of 1984.

(4) "Crime Victims' Services Office" means the former Bureau of Crimes Compensation and Victim and Witness Services, now the Crime Victims' Services Office of the Department of Legal Affairs.

(5) "Hearing officer" means a hearing officer from the Division of Administrative Hearings.

(6) "Intervenor" means any person who goes to the aid of another and suffers bodily injury or death as a direct result of acting, not recklessly, to prevent the commission of a crime, to lawfully apprehend a person reasonably suspected of having committed a crime, or to aid the victim of a crime.

(7) "Victim" means any person who suffers personal physical injury or death as a direct result of a crime.

(8) "Out-of-pocket loss" means unreimbursed and unreimbursable expenses or indebtedness incurred for medical care, nonmedical remedial care, psychological counseling, or other treatment rendered in accordance with a religious method of healing or for other services necessary as a result of the injury or death upon which such claim is based.

Section 30. Subsection (4) of section 960.07, Florida Statutes, is amended to read:

960.07 Filing of claims for compensation.—

(4) Upon filing of a claim pursuant to this chapter, the department shall promptly notify the state attorney of the circuit wherein the crime is alleged to have occurred. If within 10 days after such notification such state attorney advises the department that a criminal prosecution or delinquency petition is pending upon the same alleged crime and requests that action by the department be deferred, the department shall

defer all proceedings under this chapter until such time as a trial verdict or delinquency adjudication has been rendered, and shall so notify such state attorney and claimant. When a trial verdict or delinquency adjudication has been rendered, such state attorney shall promptly notify the department. Nothing in this subsection shall limit the authority of the department to grant emergency awards pursuant to s. 960.12.

Section 31. Subsection (1) of section 960.17, Florida Statutes, is amended to read:

960.17 Award constitutes debt owed to state.—

(1) Any payment of benefits to, or on behalf of, a victim or other claimant under this chapter creates a debt due and owing to the state by any person found, in either a civil, or criminal, or juvenile court proceeding in which he is a party, to have committed such criminal act.

Section 32. Section 960.20, Florida Statutes, is amended to read:

960.20 Additional costs.—When any person pleads guilty or nolo contendere to, or is convicted of or adjudicated delinquent for, any felony, misdemeanor, or criminal traffic offense under the laws of this state or the violation of any municipal or county ordinance which adopts by reference any misdemeanor under state law, there shall be imposed as an additional cost in the case, in addition and prior to any other cost required to be imposed by law, the sum of \$20. Any person whose adjudication is withheld pursuant to the provisions of s. 318.14(10) shall also be assessed such cost. The clerk of the court shall collect and forward \$19 of each \$20 collected to the Treasurer, to be deposited in the Crimes Compensation Trust Fund. The clerk shall retain the remaining \$1 of each \$20 collected as a service charge of the clerk's office. Under no condition shall a political subdivision be held liable for the payment of this sum of \$20.

Section 33. Subsection (4) of section 960.28, Florida Statutes, is amended to read:

960.28 Payment for victims' initial examinations.—

(4) Any defendant or juvenile offender who pleads guilty or nolo contendere to, or is convicted of or adjudicated delinquent for, any violation of chapter 794 shall be ordered by the court to make restitution to the Crimes Compensation Trust Fund in an amount equal to the compensation paid to the victim or medical provider by the Crime Victims' Services Office for the cost of the initial examination.

Section 34. This act shall take effect October 1, 1992.

And the title is amended as follows:

In title, on page 1, line 5, after the semicolon (;) insert: amending s. 39.0585, F.S.; revising provisions relating to information systems and records to authorize identification files on chronic delinquent offenders; defining "chronic delinquent offender"; providing for certain sharing of information; amending s. 39.044, F.S.; expanding detention criteria, and reenacting ss. 39.037(1), 39.038(2) and (4), 39.042(3)(b)1., 39.049(5), 39.064(1), 39.402(4), F.S., relating to taking a child into custody, release from custody, use of detention, process and service, detention of escaped child, and placement in a shelter, to incorporate changes in references thereto; amending s. 39.052, F.S.; providing for arraignment at an adjudicatory hearing; creating s. 39.0445, F.S.; providing for placement of juvenile domestic violence offenders; amending s. 39.054, F.S.; providing for a judgment lien; amending s. 775.089, F.S., to expand applicability of restitution provisions to juvenile offenders, and reenacting ss. 921.187(2), 944.17(5)(f), 947.147, 947.181(2), 948.03(1)(e), 948.032, F.S., relating to sentencing, commitment, control release, parole, probation, and community control, to incorporate changes in references thereto; amending ss. 538.07, 538.23, 810.115, F.S., relating to secondhand dealers, secondary metals recyclers, and injuring fences, to conform; amending s. 39.023, F.S.; expanding powers of the Commission on Juvenile Justice; amending ss. 960.001, 960.002, 960.003, 960.01, 960.02, 960.03, 960.07, 960.17, 960.20, 960.28, F.S., relating to victim assistance, to provide that victims and witnesses in juvenile delinquency cases have the same rights as those afforded to victims and witnesses in adult criminal cases;

On motion by Senator Jenne, further consideration of **SB 990** with pending **Amendment 4** was deferred.

The Senate resumed consideration of—

SB 28—A bill to be entitled An act relating to education; creating s. 231.263, F.S.; creating a recovery network program for educators who are impaired as a result of alcohol abuse, drug abuse, or a mental condition;

providing eligibility for participation; providing for staff; providing for treatment contracts; providing procedures; providing an exemption from public records requirements for certain disclosed information and providing for review and repeal of the exemption; providing for determination of ineligibility for further assistance; providing for rules; providing for review and repeal; providing an effective date.

—which had been considered February 25.

On motion by Senator Johnson, **SB 28** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—1

RECONSIDERATION

On motion by Senator Gordon, the rules were waived and the Senate reconsidered the vote by which—

CS for SB 2308—A bill to be entitled An act relating to elections; amending s. 102.031, F.S., relating to persons allowed in the polling place; providing an effective date.

—passed as amended February 25.

On motion by Senator Gordon, the Senate reconsidered the vote by which **CS for SB 2308** was read the third time.

On motion by Senator Gordon, the Senate reconsidered the vote by which **Amendment 1** was adopted. **Amendment 1** was withdrawn.

Senator Gordon moved the following amendment which was adopted:

Amendment 2—On page 1, line 8, insert:

Section 1. This act may be cited as the "Ann Kravitz Kids Voting Act."

(Renumber subsequent sections.)

On motion by Senator Gordon, by two-thirds vote **CS for SB 2308** 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

CS for CS for SB 1062—A bill to be entitled An act relating to ad valorem tax administration; amending s. 200.065, F.S.; revising provisions which authorize a taxing authority to adjust its adopted millage rate without public hearing when the variance between the certified assessment roll and the roll as subsequently changed exceeds a specified percentage; revising that percentage; authorizing a short form notice of proposed property taxes to be mailed in lieu of mailing a corrected notice when there is an error in the original notice; providing approval of the form of the notice by the Executive Director of the Department of Revenue or his designee; specifying the error that may be corrected in this manner; clarifying that this section generally controls over inconsistent special laws and precluding invalidation of budgets or ad valorem tax levies for failure to comply with conflicting special law provisions; amending s. 200.069, F.S.; prescribing a method for correction of errors in the notice of proposed property taxes; providing an effective date.

—was read the second time by title.

Senator Jenne moved the following amendment which was adopted:

Amendment 1—On page 2, line 17, after "extended." insert: *Any other taxing authority may adjust administratively its adopted millage rate without a public hearing if the taxable value within the jurisdiction of the taxing authority as certified pursuant to subsection (1) is at variance by more than 3 percent with the taxable value shown on the roll to be extended.*

On motion by Senator Jenne, by two-thirds vote **CS for CS for SB 1062** 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

CS for SB 2022—A bill to be entitled An act relating to taxation; amending s. 193.122, F.S.; extending the time period in which the property appraiser may appeal a decision of the value adjustment board; amending s. 194.011, F.S.; requiring a completed petition to be filed before action is taken by a value adjustment board; designating an agent

for service of process; amending s. 194.034, F.S.; requiring a return to be filed before an assessment may be contested; amending s. 195.096, F.S.; allowing the Division of Ad Valorem Tax of the Department of Revenue to use an assessment-to-sales ratio in conducting assessment ratio studies; amending s. 196.011, F.S.; designating January 1 as the date by which the requirements for an ad valorem tax exemption must be met and clarifying when an application for such exemption may be filed; amending s. 196.031, F.S.; designating January 1 as the date by which the requirements for a homestead exemption must be met; amending the definition of the term "tenant-stockholder or member"; amending s. 197.122, F.S.; allowing the property appraiser to make certain corrections on the tax roll; amending s. 201.02, F.S.; subjecting documents that pertain to specified forms of cooperative ownership to the documentary stamp tax; amending s. 201.022, F.S.; authorizing a clerk of the circuit court to charge a fee for processing certain documents; clarifying that the Department of Revenue has the authority to prescribe certain forms; amending s. 719.105, F.S.; requiring certain evidence to be recorded in the office of the clerk of the circuit court with respect to cooperative parcels; amending s. 719.114, F.S.; requiring the property appraiser to be provided with certain documents necessary for determining the ownership of cooperative parcels for assessment and homestead purposes; providing an effective date.

—was read the second time by title.

Senator Jenne moved the following amendment which was adopted:

Amendment 1 (with Title Amendment)—On page 2, line 14, strike everything after the enacting clause and insert:

Section 1. Subsection (3) of section 194.011, Florida Statutes, is amended to read:

194.011 Assessment notice; objections to assessments.—

(3) A petition to the value adjustment board shall describe the property by parcel number and shall be filed as follows:

(a) The property appraiser shall have available and shall distribute forms prescribed by the Department of Revenue on which the petition shall be made. Such petition shall be sworn to by the petitioner.

(b) The completed petition shall be filed with the clerk of the value adjustment board of the county, who shall acknowledge receipt thereof and promptly furnish a copy thereof to the property appraiser.

(c) The petition shall state the approximate time anticipated by the taxpayer to present and argue his petition before the board.

(d) The petition may be filed, as to valuation issues, at any time during the taxable year on or before the 25th day following the mailing of notice by the property appraiser as provided in subsection (1). With respect to an issue involving the denial of an exemption, an agricultural classification application, or a deferral, the petition shall be filed at any time during the taxable year on or before the 30th day following the mailing of the notice by the property appraiser under s. 193.461 or s. 196.193 or notice by the tax collector under s. 197.253.

(e) A condominium association, cooperative association, or homeowners' association as defined in s. 723.075, with approval of its board of administration or directors, may file with the value adjustment board a single joint petition on behalf of any association members who own parcels of property which the property appraiser determines are substantially similar with respect to location, proximity to amenities, number of rooms, living area, and condition. The condominium association, cooperative association, or homeowners' association as defined in s. 723.075 shall provide the unit owners with notice of its intent to petition the value adjustment board and shall provide at least 20 days for a unit owner to elect, in writing, that his unit not be included in the petition.

(f) An owner of contiguous, undeveloped parcels may file with the value adjustment board a single joint petition if the property appraiser determines such parcels are substantially similar in nature.

(g) *The individual, agent, or legal entity that signs the petition becomes an agent of the taxpayer for the purpose of serving process to obtain personal jurisdiction over the taxpayer for the entire value adjustment board proceedings, including any appeals of a board decision by the property appraiser pursuant to s. 194.036.*

Section 2. Paragraph (f) is added to subsection (1) of section 194.034, Florida Statutes, to read:

194.034 Hearing procedures; rules.—

(1)

(f) *An assessment may not be contested until a return required by s. 193.052 has been filed.*

Section 3. Paragraph (c) of subsection (2) of section 195.096, Florida Statutes, is amended to read:

195.096 Review of assessment rolls.—

(2)

(c) ~~In conducting the conduct of~~ assessment ratio studies, the Division of Ad Valorem Tax ~~must use shall utilize~~ a statistically reliable sample of properties in tests of each classification, stratum, or roll made the subject of a ratio study published by it. *For purposes of this section, the division may use an assessment-to-sales-ratio study in conducting assessment ratio studies.* The department shall compute the median and the value-weighted mean for each classification or subclassification studied and for the roll as a whole.

Section 4. Subsection (1) of section 196.011, Florida Statutes, is amended to read:

196.011 Annual application required for exemption.—

(1) Every person or organization who, on January 1, has the legal title to real or personal property, except inventory, which is entitled by law to exemption from taxation as a result of its ownership and use shall, on or before March 1 of each year, file an application for exemption with the county property appraiser, listing and describing the property for which exemption is claimed and certifying its ownership and use. The Department of Revenue shall prescribe the forms upon which the application is made. Failure to make application, when required, on or before March 1 of any year shall constitute a waiver of the exemption privilege for that year, except as provided in subsection (7) or subsection (8).

Section 5. Subsections (1) and (2) of section 196.031, Florida Statutes, are amended to read:

196.031 Exemption of homesteads.—

(1) Every person who, on January 1, has the legal title or beneficial title in equity to real property in this state and who resides thereon and in good faith makes the same his permanent residence, or the permanent residence of another or others legally or naturally dependent upon such person, is entitled to an exemption from all taxation, except for assessments for special benefits, up to the assessed valuation of \$5,000 on the residence and contiguous real property, as defined in s. 6, Art. VII of the State Constitution. Such title may be held by the entireties, jointly, or in common with others, and the exemption may be apportioned among such of the owners as shall reside thereon, as their respective interests shall appear; but no such exemption of more than \$5,000 shall be allowed to any one person or on any one dwelling house, except that an exemption up to the assessed valuation of \$5,000 may be allowed on each apartment occupied by a tenant-stockholder or member of a cooperative apartment corporation and on each condominium parcel occupied by its owner; nor shall the amount of the exemption allowed any person exceed the proportionate assessed valuation based on the interest owned by such person.

(2) As used in subsection (1), the term "cooperative apartment corporation" means a corporation, whether for profit or not for profit, organized for the purpose of owning, maintaining, and operating an apartment building or apartment buildings to be occupied by its stockholders or members; and the term "tenant-stockholder or member" means an individual who is entitled, solely by reason of his ownership of stock or membership in a cooperative apartment corporation, as evidenced in the official records of the office of the clerk of the circuit court of the county in which the apartment building is located, to occupy for dwelling purposes an apartment in a building owned by such corporation. A corporation leasing land for a term of 98 years or more for the purpose of maintaining and operating a cooperative apartment thereon shall be deemed the owner for purposes of this exemption.

Section 6. Subsection (3) is added to section 197.122, Florida Statutes, to read:

197.122 Lien of taxes; dates; application.—

(3) *A property appraiser may also correct a material mistake of fact relating to an essential condition of the subject property to reduce an assessment if to do so requires only the exercise of judgment as to the effect on assessed or taxable value of that mistake of fact.*

(a) As used in this subsection, the term "an essential condition of the subject property" means a characteristic of the subject parcel, including only:

1. Environmental restrictions, zoning restrictions, or restrictions on permissible use;

2. Acreage;

3. Wetlands or other environmental lands that are or have been restricted in use because of such environmental features;

4. Access to usable land;

5. Any characteristic of the subject parcel which characteristic, in the property appraiser's opinion, caused the appraisal to be clearly erroneous; or

6. Depreciation of the property that was based on a latent defect of the property which existed but was not readily discernible by inspection on January 1, but not depreciation resulting from any other cause.

(b) The material mistake of fact may be corrected by the property appraiser, in like manner as provided by law for performing the act in the first place only within 60 days after the property appraiser's certification of the tax roll pursuant to s. 193.122(2), and, when so corrected, the act becomes valid ab initio and in no way affects any process by law for the enforcement of the collection of any tax.

Section 7. Section 197.192, Florida Statutes, is amended to read:

197.192 Land not to be divided or plat filed until taxes paid.—No land shall be divided or subdivided and no drawing or plat of the division or subdivision of any land, or declaration of condominium of such land, shall be filed or recorded in the public records of any court until all taxes have been paid on the land.

Section 8. Subsection (2) of section 201.02, Florida Statutes, is amended to read:

201.02 Tax on deeds and other instruments relating to real property or interests in real property.—

(2) The tax imposed by subsection (1) shall also be payable upon documents by which the right is granted to a tenant-stockholder to occupy an apartment in a building owned by a cooperative apartment corporation or in a dwelling on real property owned by any other form of cooperative association as defined in s. 719.103.

Section 9. Subsection (1) of section 201.022, Florida Statutes, is amended to read:

201.022 Consideration for realty; filing of return condition precedent to recordation; penalty; failure to file does not impair validity.—

(1) As a condition precedent to the recordation of any deed transferring an interest in real property, the grantor or the grantee or agent for grantee shall execute and file a return with the clerk of the circuit court. The return shall state the actual consideration paid for the interest in real property. The return shall state the parcel identification number maintained by the county property appraiser in a manner prescribed by the department. If the parcel is a split or cutout parcel, the return shall state the parent parcel identification number if the parcel identification number has not been assigned. The return shall not be recorded or otherwise become a public record and shall be confidential as provided by s. 193.074, and shall be exempt from the provisions of s. 119.07(1), except that the Department of Natural Resources or, through the Department of Natural Resources, its contract appraiser, shall have access to the return to verify the consideration paid in any transfer of an interest in real property, when such transfer is considered as part of an appraisal for a proposed land acquisition project conducted pursuant to any Department of Natural Resources land acquisition program. The Department of Natural Resources or its contract appraiser shall not disclose the contents of the return to any other public or private entity. The original return shall be forwarded to the Department of Revenue, and a copy shall be forwarded to the property appraiser. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14(1).

Section 10. Paragraph (a) of subsection (1) of section 719.105, Florida Statutes, is amended to read:

719.105 Cooperative parcels; appurtenances; possession and enjoyment.—

(1) Each cooperative parcel has, as appurtenances thereto:

(a) Evidence of membership, ownership of shares, or other interest in the association with the full voting rights appertaining thereto. Such evidence must include a legal description of each dwelling unit and must be recorded in the office of the clerk of the circuit court as required by s. 201.02(3).

Section 11. Subsection (1) of section 719.114, Florida Statutes, is amended to read:

719.114 Separate taxation of cooperative parcels; survival of contractual provisions after tax sale.—

(1) Ad valorem taxes and special assessments by taxing authorities shall be assessed against the cooperative parcels and not upon the cooperative property as a whole. No ad valorem tax or special assessment may be separately assessed against common areas if the common areas are owned by the cooperative association or are jointly owned by the owners of the cooperative parcels. Each cooperative parcel shall be separately assessed for ad valorem taxes and special assessments as a single parcel. The property appraiser must be provided the necessary documents, as evidenced in the official records of the clerk of the circuit court of the county, to make a determination as to the ownership of a cooperative parcel for assessment and homestead tax exemption purposes. The taxes and special assessments levied against each cooperative parcel shall constitute a lien only upon the cooperative parcel assessed and upon no other portion of the cooperative property.

Section 12. This act shall take effect upon becoming a law.

And the title is amended as follows:

In title, on page 1, lines 2-31, and on page 2, lines 1-10, strike all of said lines and insert: An act relating to taxation; amending s. 194.011, F.S.; designating an agent for service of process; amending s. 194.034, F.S.; requiring a return to be filed before an assessment may be contested before the board; amending s. 195.096, F.S.; authorizing the Division of Ad Valorem Tax to use an assessment-to-sales ratio study in the conduct of assessment ratio studies; amending s. 196.011, F.S.; designating January 1 as the date requirements for ad valorem tax exemption must be met; clarifying the date by which application for exemption must be filed; amending s. 196.031, F.S.; designating January 1 as the date by which the requirements for a homestead exemption must be met; amending the definition of the term "tenant-stockholder or member"; amending s. 197.122, F.S.; authorizing the property appraiser to make certain corrections on the tax roll based on a material mistake of fact within a specified period; amending s. 197.192, F.S.; providing that no declaration of condominium of land be filed or recorded until all taxes have been paid; amending s. 201.02, F.S.; providing that documents relating to any form of cooperative ownership defined in s. 719.103, F.S., are subject to documentary excise tax; amending s. 201.022, F.S.; authorizing the Department of Revenue to prescribe the form of the return; amending s. 719.105, F.S.; requiring evidence of ownership of a cooperative parcel and description of each dwelling unit to be recorded in the office of the clerk of the circuit court; amending s. 719.114, F.S.; requiring that the property appraiser be provided necessary documents to determine ownership of cooperative parcels for assessment and homestead purposes;

On motion by Senator Jenne, by two-thirds vote **CS for SB 2022** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39 Nays—None

SB 1158—A bill to be entitled An act relating to criminal investigations and prosecutions; amending s. 16.56, F.S.; authorizing the statewide prosecutor to investigate and prosecute all crimes involving fraud or deceit; amending s. 905.34, F.S.; expanding the jurisdiction of the statewide grand jury to include all crimes involving fraud or deceit; providing an effective date.

—was read the second time by title. On motion by Senator Johnson, by two-thirds vote **SB 1158** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

MOTION

On motion by Senator Johnson, the rules were waived and **SB 1158** was ordered immediately certified to the House.

CS for SB 1148—A bill to be entitled An act relating to the Carrie P. Meek Florida Women's Hall of Fame; providing intent; providing establishment and location; providing for reinstatement of original members and for selection of new members; providing an effective date.

—was read the second time by title.

Senator Meek moved the following amendment which failed:

Amendment 1—In title, on page 1, line 2, strike "Carrie P. Meek"

On motion by Senator Meek, by two-thirds vote **CS for SB 1148** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

CS for CS for SB 1280—A bill to be entitled An act relating to the Department of Commerce; amending s. 20.17, F.S.; authorizing the Department of Commerce to contract with a direct-support organization to assist the department in promoting and developing the motion picture, television, video, recording, and related entertainment industries in this state; specifying criteria for eligibility; requiring the organization to provide for an annual audit; providing confidentiality for donors of the organization; authorizing the department to contract with a direct-support organization to assist in promoting and developing the sports industry and related industries in this state and deleting authority of the Sports Advisory Council to do so; deleting obsolete provisions; amending s. 288.011, F.S.; authorizing the department to solicit, accept, and use complementary travel, accommodations, meeting space, meals, equipment, transportation, and goods and services; requiring the department to adopt rules to govern such complementary goods and services; amending s. 288.08, F.S.; authorizing the department to charge for researching or compiling information, handling charges, publications, materials, and services at cost; providing methods of payment; requiring moneys collected from the sale of publications, information, and services to be deposited into a specified trust fund; amending s. 288.09, F.S.; providing for deposit of moneys derived from certain grants, payments, and gifts into the Economic Development Trust Fund; creating s. 288.095, F.S.; creating the Economic Development Trust Fund; providing for use of moneys in the fund; amending s. 288.121, F.S.; requiring the Division of Tourism to charge conference, seminar, or meeting registration fees at cost; requiring such fees to be deposited into the Tourism Promotional Trust Fund; repealing s. 159.445, F.S., relating to the Florida Seed Capital Fund; abolishing the fund and the Florida Seed Capital Board; transferring the assets and obligations of the fund and board to the department; providing for review by the department of investments made by the Florida Seed Capital Board; authorizing the Secretary of Commerce to declare certain board investments worthless and to deposit revenues from certain other investments in trust for use to support the state's economic development program; providing an effective date.

—was read the second time by title.

Senator Kurth moved the following amendment which was adopted:

Amendment 1 (with Title Amendment)—On page 11, between lines 9 and 10, insert:

(4) This section shall not nullify or impair existing contracts of the Florida Seed Capital Board.

And the title is amended as follows:

In title, on page 2, line 23, after the semicolon (;) insert: clarifying that existing contracts with the Florida Seed Capital Board will not be nullified or impaired;

On motion by Senator Kurth, by two-thirds vote **CS for CS for SB 1280** 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 1354** was deferred.

SB 1516—A bill to be entitled An act relating to financial responsibility; amending s. 324.031, F.S.; specifying a method of proving financial responsibility for taxicabs, limousines, and other for-hire passenger transportation vehicles; providing an effective date.

—was read the second time by title.

The Committee on Commerce recommended the following amendment which was moved by Senator Forman and adopted:

Amendment 1 (with Title Amendment)—On page 2, between lines 15 and 16, insert:

Section 2. Section 624.4075, Florida Statutes, is amended to read:

624.4075 Captive conversion or expansion; ~~application pending on October 1, 1989.~~—

(1) With respect to any attempt by a captive insurer to convert its license to a certificate of authority as a domestic insurer authorized to transact property and casualty insurance whose permit to form a domestic insurer was pending before the department on October 1, 1989, the applicable surplus as to policyholders requirement shall be the greater of \$1,500,000 or the amount set forth in s. 624.407(1)(d), rather than the greater of \$2,500,000 or the amount set forth in s. 624.407(1)(d).

(2) With respect to the shareholders of any captive insurer in existence on October 1, 1989, desiring to obtain a certificate of authority as a domestic insurer authorized to transact property and casualty insurance, they shall be permitted to form a domestic insurer with a surplus as to policyholders requirement that is the greater of \$1,500,000 or the amount set forth in s. 624.407(1)(d), rather than the greater of \$2,500,000 or the amount set forth in s. 624.407(1)(d).

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 1, line 6, after the semicolon (;) insert: amending s. 624.4075, F.S., authorizing certain captive insurers to form a domestic insurer with specific surplus requirements;

On motion by Senator Forman, by two-thirds vote **SB 1516** 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—3

MOTION

On motion by Senator Forman, the rules were waived and **SB 1516** was ordered immediately certified to the House.

Consideration of **SB 310** was deferred.

SB 222—A bill to be entitled An act relating to water management districts; 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 under specified conditions; providing an effective date.

—was read the second time by title.

The Committee on Natural Resources and Conservation recommended the following amendments which were moved by Senator Beard and adopted:

Amendment 1—On page 1, strike all of lines 18 and 19 and insert: management districts to make available land, water areas, and park areas to the public for outdoor recreational purposes

Amendment 2—On page 2, line 30, after "for" insert: gross negligence or

The Committee on Governmental Operations recommended the following amendment which was moved by Senator Beard and adopted:

Amendment 3—On page 1, line 23, and on page 2, line 12, strike "A" and insert: Except as provided in subsection (4), a

Senator Beard moved the following amendment which was adopted:

Amendment 4—On page 3, strike line 2 and insert: water management district or person beyond that which is authorized by s. 768.28.

Senator Gordon moved the following amendment:

Amendment 5 (with Title Amendment)—On page 3, strike all of lines 9 and 10 and insert:

Section 2. Section 373.504, Florida Statutes, is created to read:

373.504 Water user fees.—

(1) As used in this section, the term "water user fee" means a fee collected by a water management district from water users for the withdrawal of surface water or groundwater within the established boundaries of the district.

(2) After December 31, 1992, each water management district shall impose a water user fee, in lieu of any ad valorem taxes authorized to be levied by s. 373.503, for the use of surface water or groundwater. All revenues received by a district from water user fees must be used by the district to carry out its powers and duties as provided by this chapter.

(3) Water user fees imposed shall be determined by water use, based upon annual withdrawals, as follows:

(a) The annual withdrawals as documented by the permittee from actual withdrawal records;

(b) If approved, the annual withdrawals based on permitted average annual withdrawal thresholds if no documentation capability acceptable to the district exists regarding the withdrawals; or

(c) For nonpermitted users, the annual withdrawals as determined by the district.

(4) A water management district shall adopt rules to facilitate the collection of water user fees, either monthly, quarterly, or annually.

(5) Each public water system or other water user subject to subsection (2) shall submit reports to the district detailing and documenting withdrawals, if documentation capability exists, according to schedules and on forms provided by the district. If a system or user does not adhere to these schedules, the district shall determine the withdrawal amounts from estimates based on the system's or user's consumptive use permit.

(6) On or before October 1, 1992, and thereafter as necessary, the governing board of each water management district shall determine the water user fee rate structure required to provide revenues needed to carry out the district's programs. The rate structure must provide for equal rates among all water users and encourage water conservation measures. The determination must be made by resolution of the governing board and must take place at a noticed public hearing.

(7) After December 31, 1992, a water management district may levy ad valorem taxes only to pay the principal and interest on bonds issued pursuant to s. 373.563 which are outstanding as of that date and may not pledge or repledge ad valorem tax revenues for any purpose.

Section 3. Effective January 1, 1993, section 373.506, Florida Statutes, is amended to read:

373.506 Costs of district.—If it should appear necessary to procure funds with which to pay the expenses of a district, or to meet emergencies, before a sufficient sum can be obtained from the collection of the *water user fees tax*, the board may borrow a sufficient amount of money to pay expenses and to meet emergencies and may issue interest-bearing negotiable notes therefor and pledge the proceeds of the *water user fees tax* imposed under the provisions of this chapter for the repayment thereof. Said board may issue to any person performing work or services or furnishing anything of value interest-bearing negotiable evidence of debt.

Section 4. Section 373.579, Florida Statutes, is amended to read:

373.579 Proceeds from taxes and water user fees for bond purposes.—It shall be the duty of the Treasurer as custodian of the funds belonging to the said board and to the district, out of the proceeds of the taxes and water user fees levied and imposed by this chapter and out of any other moneys in his possession belonging to the district, which moneys so far as necessary shall be set apart and appropriated for the purpose, to apply said moneys and to pay the interest upon the said bonds as the same shall fall due and at the maturity of the said bonds to pay the principal thereof.

Section 5. Except as provided in this act, this act shall take effect upon becoming a law.

And the title is amended as follows:

In title, on page 1, line 7, after the semicolon (;) insert: creating s. 373.504, F.S.; requiring the water management districts to impose water user fees for certain surface water or groundwater withdrawn within the districts in lieu of certain ad valorem taxes; providing an exception; providing for the determination of such fees; providing for determination of a fee structure; providing for the use of ad valorem taxes by a water management district; prohibiting the pledge or repledge of ad valorem taxes by a water management district; amending ss. 373.506, 373.579, F.S.; providing for the use of water user fees levied by the districts;

POINT OF ORDER

Senator Yancey raised a point of order that pursuant to Rule 7.1 Amendment 5 was not germane to the bill.

RULING ON POINT OF ORDER

On recommendation of Senator Thomas, Chairman of the Committee on Rules and Calendar, the President ruled the point well taken and the amendment out of order.

On motion by Senator Beard, by two-thirds vote **SB 222** 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 motions by Senator Davis, by two-thirds vote **HB 405** was withdrawn from the Committees on Criminal Justice and Appropriations.

On motion by Senator Davis—

HB 405—A bill to be entitled An act relating to unlawful substances; amending s. 893.02, F.S.; providing that "possession" includes temporary possession for verification or testing; amending s. 831.31, F.S.; expanding the definition of "counterfeit controlled substance"; reenacting and amending s. 232.277, F.S., relating to reporting of suspected substance abuse by students, to incorporate said amendments in references thereto; providing an effective date.

—a companion measure, was substituted for **SB 448** and read the second time by title. On motion by Senator Davis, by two-thirds vote **HB 405** 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 1354—A bill to be entitled An act relating to administrative procedures; amending s. 120.53, F.S.; requiring that final orders issued under s. 120.535, F.S., pertaining to rule challenge proceedings, be included in the subject-matter index that an agency must make available for public inspection and copying; amending s. 120.54, F.S.; conforming definition of small business to definition in Small and Minority Business Assistance Act of 1985; deleting limitation to agencies in the executive branch of state government regarding requirement for rulemaking within 180 days of enabling legislation; specifying legislative finding regarding official reporters of Public Employees Relations Commission; providing an effective date.

—was read the second time by title.

Senator Kiser moved the following amendment which was adopted:

Amendment 1 (with Title Amendment)—On page 2, line 2, after the period (.) insert: *In lieu of the requirement for making available for public inspection and copying a hierarchical subject-matter index of its orders, an agency may maintain, and make available for public use, an electronic data base of its orders that allows users to research and retrieve the full texts of agency orders by devising an ad hoc indexing system employing any logical search terms in common usage which are composed by the user and which are contained in the orders of the agency.*

And the title is amended as follows:

In title, on page 1, line 3, after the semicolon (;) insert: authorizing electronic retrieval systems in lieu of subject-matter index for agency orders;

On motion by Senator Kiser, by two-thirds vote **CS for SB 1354** 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—1

SB 310—A bill to be entitled An act relating to operating a vessel while intoxicated; amending s. 327.351, F.S.; providing that the offense of operating a vessel while intoxicated is a third-degree felony if such operation causes serious bodily injury; providing an effective date.

—was read the second time by title. On motion by Senator Gardner, by two-thirds vote **SB 310** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33 Nays—1

The Senate resumed consideration of—

SB 990—A bill to be entitled An act relating to juvenile offenders; amending s. 39.0255, F.S.; revising a reporting requirement for a juvenile who is issued a civil citation by a law enforcement officer; providing an effective date.

—which had been previously considered this day. Pending **Amendment 4** by Senator Bankhead was adopted.

POINT OF ORDER

Senator Gardner raised a point of order that pursuant to Rule 4.8 the bill should be referred to the Committee on Appropriations.

RULING ON POINT OF ORDER

The President ruled the point well taken, and **SB 990** as amended was referred to the Committee on Appropriations.

On motions by Senator Diaz-Balart, by two-thirds vote—

CS for HB 429—A bill to be entitled An act relating to insurance; amending s. 625.111, F.S.; providing a formula for the computation of unearned title insurance premium reserves; providing for the release of a percentage of unearned premium reserves; defining the terms “net retained liability” and “single risk”; providing an effective date.

—a companion measure, was substituted for **CS for SB 568** and by two-thirds vote read the second time by title. On motion by Senator Diaz-Balart, by two-thirds vote **CS for HB 429** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

SENATOR CHILDERS PRESIDING

On motion by Senator Langley, by two-thirds vote **HB 2275** was withdrawn from the Committee on Judiciary.

On motion by Senator Langley—

HB 2275—A bill to be entitled An act relating to judicial nominating commissions; amending s. 43.29, F.S.; providing for removal of commission members; providing an effective date.

—a companion measure, was substituted for **SB 1066** and read the second time by title.

Senator Langley moved the following amendment which was adopted:

Amendment 1—On page 1, line 17, strike “or pursuant to” and insert: *consistent with*

On motion by Senator Langley, by two-thirds vote **HB 2275** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—None

SB 730—A bill to be entitled An act relating to federal liens; creating the Florida Uniform Federal Lien Registration Act; specifying applicability; providing for filing of notices of federal liens, certificates, and other notices affecting federal liens; specifying duties of the Secretary of State and the clerks of the circuit courts; providing for fees; providing for uniformity of construction; amending s. 28.222, F.S.; conforming to the act; providing an effective date.

—was read the second time by title.

Senator Grant moved the following amendments which were adopted:

Amendment 1—On page 1, strike all of line 26 and insert: affecting federal tax liens or other federal liens, notices of which, under any act of Congress or any regulation adopted pursuant thereto, are required or permitted to be filed in the same manner as notices of federal tax liens, must be

Amendment 2 (with Title Amendment)—On page 4, between lines 27 and 28, insert:

Section 3. There is hereby appropriated 4 FTE and \$137,283 to the Division of Corporations from the Corporation Trust Fund for fiscal year 1992-1993 to implement the provisions of this act.

(Renumber subsequent section.)

And the title is amended as follows:

In title, on page 1, line 11, after the semicolon (;) insert: providing an appropriation;

On motion by Senator Grant, by two-thirds vote **SB 730** 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

MOTION

On motion by Senator Grant, the rules were waived and **SB 730** was ordered immediately certified to the House.

CS for SB 592—A bill to be entitled An act relating to the national guard; amending s. 110.205, F.S.; revising provisions with respect to salaries and benefits for certain personnel of the Department of Military Affairs; amending s. 250.10, F.S.; deleting a requirement for eligibility for certain tuition exemptions for members of the active Florida National Guard; amending s. 250.22, F.S.; revising a period of retirement; amending s. 250.35, F.S.; revising language with respect to courts-martial; updating references; including reference to the Florida National Guard; revising language with respect to the convening of courts-martial; amending s. 250.36, F.S.; providing for the powers of the Adjutant General of the Florida National Guard with respect to mandates and process; amending s. 250.39, F.S.; revising language with respect to penalty for contempt; directing the Statutory Revision Division to change the title of chapter 251, F.S., to the Florida State Defense Force; amending ss. 251.01, 251.02, 251.03, 251.04, 251.05, 251.06, 251.08, 251.09, 251.10, 251.11, 251.12, 251.13, 251.14, 251.15, 251.16, 251.17, F.S., to conform to the act; providing an effective date.

—was read the second time by title. On motion by Senator Bankhead, by two-thirds vote **CS for SB 592** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

SB 594—A bill to be entitled An act relating to the Treasurer; amending s. 18.10, F.S.; providing for the investment of certain moneys in money market mutual funds; providing that it shall be the responsibility of the Treasurer to supervise and approve all banking relationships as the cash management officer for the state; amending s. 18.125, F.S.; providing for an annual assessment against certain moneys; amending s. 255.052, F.S.; providing for the substitution of securities for amounts retained on public contracts; providing an effective date.

—was read the second time by title.

Senator Bankhead moved the following amendments which were adopted:

Amendment 1 (with Title Amendment)—On page 2, following line 31, insert:

Section 2. Subsection (1) of section 18.103, Florida Statutes, is amended to read:

18.103 Safekeeping services of Treasurer.—

(1) The Treasurer may accept for safekeeping purposes, deposits of cash, securities, and other documents or articles of value from *any state agency as defined in s. 216.011, or any county, city, or political subdivision thereof, or other public authority state agencies, boards, bureaus, commissions, institutions, and departments.*

Section 3. Section 18.104, Florida Statutes, is amended to read:

18.104 Treasury Cash Deposit Trust Fund.—

(1) There is hereby created in the State Treasury the Treasury Cash Deposit Trust Fund. Cash deposits made pursuant to s. 18.103 ~~625.52~~ shall be deposited into this fund.

(2) Interest earned on cash deposited into this fund shall be prorated and paid to the depositing entities ~~pursuant to s. 625.50(1)~~.

And the title is amended as follows:

In title, on page 1, line 8, following the semicolon (;) insert: amending s. 18.103, F.S.; redefining the entities from whom the Treasurer may accept articles for safekeeping; amending s. 18.104, F.S.; providing that cash deposits made with the Treasurer pursuant to s. 18.103, F.S., be placed into the Treasury Cash Deposit Trust Fund;

Amendment 2 (with Title Amendment)—On page 4, between lines 25 and 26, insert:

Nothing in this section shall be construed to require the state or any county, city, or political subdivision thereof, or other public authority, to allow the contractor to withdraw the whole or any portion of the amount retained for payments to the contractor except pursuant to the terms of the contract.

And the title is amended as follows:

In title, on page 1, line 13, following the semicolon (;) insert: providing that a contractor is not entitled to withdraw amounts retained for payment of a public contract except pursuant to the terms of the contract;

On motion by Senator Bankhead, by two-thirds vote **SB 594** 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

CS for SB 1118—A bill to be entitled An act relating to jurors and grand jurors; amending s. 40.013, F.S.; providing that a person may not be excused from service on a jury solely because of deafness or hearing impairment; providing restrictions on such service; amending s. 90.6063, F.S.; requiring appointment of an interpreter to assist deaf jurors or grand jurors; amending s. 905.17, F.S.; authorizing interpreters to be present at grand jury deliberation or voting; amending s. 905.24, F.S.; prohibiting interpreters from disclosing grand jury proceedings; amending s. 913.03, F.S.; providing that deafness or hearing impairment is not a ground for challenging a juror; providing an effective date.

—was read the second time by title. On motion by Senator Bankhead, by two-thirds vote **CS for SB 1118** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—20 Nays—13

MOTION TO RECONSIDER

Senator Langley moved that the Senate reconsider the vote by which **CS for SB 1118** passed this day.

The motion was placed on the calendar.

THE PRESIDENT PRESIDING

CS for SB 876—A bill to be entitled An act relating to transportation; amending s. 20.23, F.S.; providing criteria for the Department of Transportation to apply in determining whether to contract with local governmental or private entities for work to be performed; amending s. 110.205, F.S.; revising the titles of two department employees who are exempt from career service; amending s. 119.07, F.S., relating to confidentiality of records; conforming a cross-reference; amending s. 206.46, F.S.; providing for the transfer of certain funds from the State Transportation Trust Fund into the Right-of-Way Acquisition and Bridge Construction Trust Fund; amending s. 212.69, F.S., relating to distribution of the proceeds of the tax on motor and special fuels; revising and conforming cross-references; amending s. 215.605, F.S.; providing for the transfer of excess funds from the Right-of-Way Acquisition and Bridge Construction Trust Fund to the State Transportation Trust Fund; amending s. 287.055, F.S.; authorizing the acquisition of services of a real estate appraiser through negotiation; improving clarity; amending s. 335.18,

F.S.; amending a cross-reference to conform to the repeal of s. 335.189, F.S., by this act; amending s. 335.181, F.S.; providing legislative findings, policy, and purpose relating to the regulation of access to the State Highway System; amending s. 335.182, F.S.; deleting the authority for local governments to adopt access standards which exceed state standards; providing definitions; amending s. 335.1825, F.S.; providing requirements regarding the construction or alteration of an access connection and the costs for such alterations; amending s. 335.183, F.S.; deleting the requirement that the department assess a fee of at least \$25 for each permit application; amending s. 335.184, F.S.; requiring that an access permit be filed in the appropriate department district; providing criteria under which a permit may be denied; providing remedies for such denial; amending s. 335.185, F.S.; deleting the authority for the department to require joint use of access; authorizing the department to extend the duration of a permit; amending s. 335.187, F.S.; providing requirements relating to unpermitted access connections and the issuance of nonconforming permits; amending s. 335.188, F.S.; providing criteria for the adoption of an access management system by the department; providing notice requirements; repealing s. 335.189, F.S., relating to the delegation of the department's permitting authority; amending s. 335.20, F.S., the Local Government Transportation Assistance Act; prescribing priority for funding projects; deleting obsolete provisions; authorizing the department to fund up to 50 percent of the cost of certain local government projects; amending s. 337.25, F.S.; authorizing the department to exchange functionally equivalent property; improving clarity; authorizing the department to use a staff appraiser to appraise certain surplus property; amending s. 337.26, F.S.; authorizing the chief administrative officer of the Office of the Florida Turnpike to execute instruments of sale, lease, or conveyance of property; amending s. 337.27, F.S.; authorizing the chief administrative officer of the Office of the Florida Turnpike to execute eminent domain resolutions; amending s. 337.273, F.S., pertaining to transportation corridors; deleting a required map of reservation; clarifying the estimated-dates-of-construction requirement; amending s. 337.276, F.S.; clarifying that advanced acquisition of right-of-way does not prohibit advancement of construction phases; expanding the projects eligible to receive right-of-way acquisition bond proceeds; requiring that the use of bond proceeds for those projects be specifically identified in the tentative work program; amending s. 337.407, F.S.; allowing a municipality or county to authorize the installation, without public bid, of bus benches and shelters and advertising contained thereon within the right-of-way limits of municipal or county roads; authorizing the continued use of transit bus benches already in existence which do not meet departmental size requirements; amending s. 338.251, F.S.; providing a limitation on the advancement of funds from the Toll Facilities Revolving Trust Fund; providing for annual compounding of interest on advances made from such funds; authorizing retroactive application of interest in certain cases; providing that interest may not be charged on advances made for projects that are assumed by the Office of the Florida Turnpike; providing a repayment schedule for advances made for such projects; amending s. 339.08, F.S.; prohibiting the department from funding the administrative expenses of commuter rail authorities that do not provide rail service; deleting obsolete provisions; amending s. 339.135, F.S.; defining the term "district work program" to include the work program of the Office of the Florida Turnpike; changing the deadline for the submittal of the tentative work program; changing procedures regarding the development of the work program; deleting an unnecessary prohibition against including unlawful projects in the tentative work program or allocating funds to them; revising requirements for the list of projects that could begin construction if funding becomes available; correcting a cross-reference; authorizing inter-district loans that meet certain requirements; revising amendment procedures for the adopted work program; amending ss. 334.045, 334.046, 339.12, 339.136, 339.175, F.S., to conform; amending s. 339.155, F.S., pertaining to transportation planning; creating the Metropolitan Planning Organization Advisory Council in place of a committee; revising procedures and notice for public hearings on transportation systems planning, facility and site selection, and design selection; amending s. 339.175, F.S., pertaining to metropolitan planning organizations; deleting an obsolete deadline; specifying the powers and duties of the Metropolitan Planning Organization Advisory Council; amending s. 341.031, F.S.; revising definitions pertaining to public transit; amending s. 341.051, F.S.; deleting an obsolete requirement relating to investment policy; revising state funding limitations for federally assisted public transit capital projects; improving clarity; amending s. 341.052, F.S.; revising public transit block grant procedures; providing for minimum funding; amending s. 348.0004, F.S.; prohibiting the project of an expressway authority under certain conditions; repealing s. 337.241, F.S., which relates to maps of reservation; providing an effective date.

—was read the second time by title.

Senator Forman moved the following amendments which were adopted:

Amendment 1—On page 6, strike all of lines 15-17 and insert: *staff*;

(d) *The use of such entities will expedite the advancement of projects in the adopted work program for which funds are available; or*

(e) *The use of such entities is clearly in the best interest of the public and with the private sector to the*

Amendment 2 (with Title Amendment)—On page 12, lines 27 and 31, strike “*or real estate appraising*” and insert: *certified real estate appraising, or right-of-way acquisition*

And the title is amended as follows:

In title, on page 1, strike all of lines 24 and 25 and insert: *acquisition of services of a certified real estate appraiser or a right-of-way acquisition agent through negotiation; improving*

Amendment 3—On page 13, line 3; on page 17, lines 7, 11, 16 and 28; and on page 18, line 8, strike “*or real estate appraiser*” and insert: *certified real estate appraiser, or right-of-way acquisition agent*

Amendment 4 (with Title Amendment)—On page 21, between lines 22 and 23, insert:

(11) *LOCAL GOVERNMENTS' USE OF APPRAISERS.—Notwithstanding any other provision of this section, a local governmental entity as defined in s. 334.034, is not required to use this section for the acquisition of real estate appraisal services or right-of-way acquisition services.*

And the title is amended as follows:

In title, on page 1, line 26, after the first semicolon (;) insert: *providing an exception*;

Amendment 5 (with Title Amendment)—On page 21, between lines 25 and 26, insert:

Section 8. Section 331.21, Florida Statutes, is created to read:

331.21 Independent authorities; terms of presiding members.—Notwithstanding a contrary provision of any general or special law, the presiding member of an authority created by the legislature which operates an international airport enplaning more than eight million passengers annually may serve as presiding member for eight consecutive years, provided he or she is selected to serve each term as a member of the authority and each term as its presiding member under the applicable procedures of the authority.

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 1, line 26, after the first semicolon (;) insert: *creating s. 331.21, F.S.; providing a term of office for the presiding officer of an airport authority; providing criteria*;

Amendment 6—On page 23, line 31, strike “*statewide*”

Amendment 7—On page 33, line 26, strike “1992” and insert: *1993*

Senator Langley moved the following amendment which was adopted:

Amendment 8 (with Title Amendment)—On page 21, between lines 25 and 26, insert:

Section 8. Section 334.30, Florida Statutes, is amended to read:

334.30 Private transportation facilities.—The Legislature hereby finds and declares that there is a public need for rapid construction of safe and efficient transportation facilities for the purpose of travel within the state, and that it is in the public's interest to provide for the construction of additional safe, convenient, and economical transportation facilities.

(1) The department may receive or solicit proposals and, ~~with legislative approval by a separate bill for each facility,~~ enter into agreements with private entities, or consortia thereof, for the construction and opera-

tion of privately owned and financed transportation facilities. Prior to ~~entering into such agreement seeking legislative approval,~~ the department must first determine that the proposed project:

- (a) Is in the public's best interest;
- (b) Would not require state funds to be used unless there is an overriding state interest; and
- (c) Would have adequate safeguards in place to ensure that no additional costs or service disruptions would be realized by the traveling public and citizens of the state in the event of default or cancellation of the agreement by the department.

The department shall ensure that all reasonable costs to the state and substantially affected local governments and utilities, related to the private transportation facility, are borne by the private entity.

(2) Agreements entered into pursuant to this section may authorize the private entity to impose tolls or fares for the use of the facility. However, the amount and use of toll or fare revenues may be regulated by the department to avoid unreasonable costs to users of the facility, *except that the department may not require a reduction in the tolls or fares charged for the use of such facility if the proceeds of such tolls or fares are pledged to repay bonds issued for a facility or are otherwise pledged as collateral for debts related to a facility.*

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

(4) The department may exercise any power possessed by it, including eminent domain, with respect to the development and construction of state transportation projects to facilitate the development and construction of transportation projects pursuant to this section. The department may provide services to the private entity. Agreements for maintenance, law enforcement, and other services entered into pursuant to this section shall provide for full reimbursement for services rendered.

(5) Except as herein provided, the provisions of this section are not intended to amend existing laws by granting additional powers to, or further restricting, local governmental entities from regulating and entering into cooperative arrangements with the private sector for the planning, construction, and operation of transportation facilities.

(6) The department is prohibited from receiving or soliciting proposals for private transportation facilities until all rules necessary to implement the provisions of this section are adopted. ~~Such rules shall be published in the Florida Administrative Weekly no later than January 1, 1992.~~

(7) *Subject to legislative appropriation, the department may allocate federal funds for a project developed pursuant to this section if the federal government makes funds available for such purpose.*

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 1, line 26, after the first semicolon (;) insert: *amending s. 334.30, F.S., relating to private transportation facilities; deleting the requirement that each facility be approved by the Legislature through the adoption of a separate bill for each; prohibiting the department from requiring the reduction of tolls and fares which are pledged as collateral for the financing of a facility; authorizing the department to allocate federal funds to a facility subject to certain conditions*;

Senator Bruner moved the following amendment which was adopted:

Amendment 9 (with Title Amendment)—On page 96, between lines 14 and 15, insert:

Section 38. The Department of Transportation shall institute a system under which any person who wishes to purchase an annual permit allowing unlimited passage over the Bryant Grady Patton Bridge in Franklin County by the motor vehicle for which it is issued may do so at an annual cost of \$100. The department shall institute the system no later than July 1, 1992.

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 5, line 26, after the semicolon (;) insert: requiring the Department of Transportation to institute an annual permitting system for motor vehicles using the Bryant Grady Patton Bridge in Franklin County;

Senator Gordon moved the following amendment:

Amendment 10 (with Title Amendment)—On page 96, between lines 16 and 17, insert:

Section 39. Notwithstanding any other provision of law to the contrary, the Department of Transportation, in the letting of a contract for road or bridge construction on a project located within an incorporated municipality, shall require the contractor to work at least 80 hours per week unless specifically exempted by the Secretary of Transportation. Such an exemption may be granted only upon a sufficient showing by the contractor that the particular contract could not be carried out without greater inconvenience to the public by working 80 hours a week rather than 40 hours a week.

(Renumber subsequent section.)

And the title is amended as follows:

In title, on page 5, line 28, after the semicolon (;) insert: requiring the department to provide for 80-hour work weeks for contractors undertaking road or bridge construction in incorporated municipalities; providing an exception under certain circumstances;

Senator Johnson moved the following amendment to **Amendment 10** which was adopted:

Amendment 10A—On page 1, line 15, strike "located within an incorporated municipality,"

Amendment 10 as amended was adopted. The vote was:

Yeas—16 Nays—15

RECONSIDERATION OF AMENDMENT

On motion by Senator Johnson, the Senate reconsidered the vote by which **Amendment 10** as amended was adopted. **Amendment 10** as amended failed. The vote was:

Yeas—10 Nays—20

On motion by Senator Forman, by two-thirds vote **CS for SB 876** 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

MOTION

On motion by Senator Forman, the rules were waived and **CS for SB 876** was ordered immediately certified to the House.

The Senate resumed consideration of—

HB 1795—A bill to be entitled An act relating to elections; amending ss. 103.011 and 103.021, F.S.; changing the manner in which presidential electors are nominated and elected and vote; amending s. 101.28, F.S., to conform; repealing s. 103.051, F.S., relating to meeting dates of presidential electors; providing an effective date.

—which had been considered February 25. **HB 1795** was read the third time by title.

POINT OF ORDER

Senator Scott raised a point of order that pursuant to Rule 4.8 the bill should be referred to the Committee on Appropriations.

REPORTS OF COMMITTEES

The Committee on Corrections, Probation and Parole recommends the following pass: **CS for SB 1034, SB 2310**

The Committee on Professional Regulation recommends the following pass: **CS for SB 2264 with 2 amendments**

The bills contained in the foregoing reports were referred to the Committee on Appropriations under the original reference.

The Committee on Corrections, Probation and Parole recommends the following pass: **SCR 2344**

The bill was referred to the Committee on Rules and Calendar under the original reference.

The Committee on Appropriations recommends the following pass: **CS for SB 336, CS for SB 1686, SB 2236, CS for SB 2238 with 1 amendment**

The bills were placed on the calendar.

The Committee on Community Affairs recommends a committee substitute for the following: **SB 2056**

The Committee on Corrections, Probation and Parole recommends committee substitutes for the following: **SB 1088, SB 1392, SB 1846**

The Committee on Education recommends committee substitutes for the following: **Senate Bills 1262 and 1326, SB 1290, SB 1996, SB 2120**

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 Commerce recommends committee substitutes for the following: **SB 1268, SB 1952**

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

The Committee on Education recommends a committee substitute for the following: **SB 838**

The bill with committee substitute attached was placed on the calendar.

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By Senator Langley—

SB 2506—A bill to be entitled An act relating to Marion County; creating a municipality to be known as the City of Silver Springs Shores in the county; defining its territorial boundaries; providing for its government, jurisdiction, elections, administrative code, procedure, powers, franchises, immunities, and privileges; prescribing the general powers to be exercised by the city; providing prohibitions; providing procedures for filling vacancies in office; providing for a city council, mayor, vice-mayor, city manager, city clerk, and city attorney; providing for initial election; providing for ordinances; providing for a planning-zoning board and other committees as needed; providing for budget adoption; providing for amendments to the city charter; providing for referendum petitions; providing severability; providing for dissolution of the Silver Springs Shores Fire Services Municipal Services Tax Unit and for transfer of its assets and liabilities; providing for continuation of personnel and services; providing for dissolution of the Silver Springs Shores Law Enforcement, Recreation and Street Lighting Municipal Services Tax Unit District and for transfer of its assets and liabilities; providing for continuation of personnel and services; providing for a referendum; providing a schedule for organization; providing for county ordinances and services during transition period; providing effective dates.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Education and Senator Casas—

CS for SB 838—A bill to be entitled An act relating to educational facilities; amending ss. 235.014, 235.26, F.S.; including site development and improvement in the State Uniform Building Code for Public Educa-

tional Facilities Construction and requiring conformance; amending s. 235.34, F.S.; providing requirements relating to payment for certain off-site improvements; providing for resolution of disputes; providing certain restrictions on governmental bodies; amending s. 235.19, F.S.; providing for waivers from site standards; amending s. 235.193, F.S.; conforming provisions relating to coordination between local governing bodies and district school boards; amending s. 235.211, F.S.; providing exceptions from requirements for an architect; amending s. 235.31, F.S.; providing for the purchase of maintenance, repair and site-improvement services by district school boards from other governmental contracts; providing an effective date.

By the Committee on Corrections, Probation and Parole—

CS for SB 1088—A bill to be entitled An act relating to sentencing; amending s. 921.001, F.S.; providing the purpose of and additional requirements for the sentencing guidelines that are recommended to the Supreme Court by the Sentencing Commission; increasing the membership of the Sentencing Guidelines Commission; deleting obsolete provisions pertaining to alternative sentencing guideline recommendations; requiring the Sentencing Commission to submit revised sentencing guidelines by a specified date; amending ss. 775.087, 784.08, 893.13, 893.135, F.S.; deleting requirements for mandatory minimum terms of imprisonment and certain felony reclassifications for certain crimes involving possession of a weapon, assault or battery on elderly persons, and controlled substances; amending s. 944.275, F.S.; prohibiting the granting of basic gain-time for offenses committed after a specified date; amending s. 948.01, F.S.; allowing split sentences to occur without departure from sentencing guidelines; amending s. 948.06, F.S.; restricting the credit for time served for offenders revoked on a split sentence; amending s. 775.084, F.S.; requiring the judge to affirm the sentencing of habitual felony offenders and habitual violent felony offenders; redefining the terms "habitual felony offender" and "habitual violent felony offender"; amending ss. 924.06, 924.07, F.S.; limiting the circumstances under which a defendant sentenced under sentencing guidelines and the state may appeal a sentence; amending s. 947.156, F.S.; prohibiting the granting of control release on or after a specified date; repealing ss. 775.085, 794.023, 775.0845, F.S., relating to felony reclassification for certain crimes involving prejudice, sexual battery, and concealment of identity; repealing s. 776.08, F.S., relating to the definition of forcible felony; repealing s. 790.161(2), (3), F.S., relating to mandatory minimum terms of imprisonment for making, possessing, or discharging a destructive device; repealing s. 921.18, F.S., relating to sentences for indeterminant noncapital felonies; providing effective dates.

By the Committee on Education and Senators Johnson and Meek—

CS for SB's 1262 and 1326—A bill to be entitled An act relating to student financial aid; amending ss. 240.402, 240.408, F.S.; consolidating the Florida Undergraduate Scholars' Fund program and the Challenger Astronauts Memorial Undergraduate Scholarship Program to provide a Challenger award to the top Florida Undergraduate Scholars' Fund applicant from each county which will be partially funded from the Challenger Astronauts Memorial Undergraduate Scholarship Trust Fund; standardizing the amount of all other Florida Undergraduate Scholars' Fund awards and revising provisions relating to application therefor; deleting a reporting requirement; amending s. 240.4021, F.S.; revising the eligibility requirements and application procedures for scholarships from the Vocational Gold Seal Endorsement Scholarship Program; amending s. 240.4023, F.S., relating to funding for the Vocational Gold Seal Endorsement Scholarship Program and the Vocational Achievement Grant Program; amending s. 240.404, F.S.; revising provisions relating to residency requirements for state financial aid awards; specifying that students may receive only one state merit scholarship; creating s. 240.4063, F.S.; consolidating the "Chappie" James Most Promising Teacher Scholarship Loan Program, the Critical Teacher Shortage Scholarship Loan Program, and the Masters' Fellowship Loan Program for Teachers into the Florida Teacher Scholarship and Forgivable Loan Program; providing for "Chappie" James Most Promising Teacher Scholarships to promising students and teacher forgivable loans to students enrolled in certain undergraduate or graduate level programs leading to certification in a critical teacher shortage area; specifying program criteria and student and institutional eligibility; providing for loan repayment; amending s. 240.4065, F.S.; revising provisions relating to expenditures from the Critical Teacher Shortage Trust Fund; amending s. 240.4069, F.S., relating to Virgil Hawkins Fellows Scholarships; providing for state matching of private grants; amending s. 240.409, F.S.; revising provisions relating to the Florida Public Student Assistance Grant Fund;

amending s. 240.424, F.S.; directing the Department of Education to request sufficient funds for need-based student financial aid to offset student fee increases recommended by the Board of Regents and State Board of Community Colleges; amending s. 240.437, F.S., relating to student financial aid planning and development; conforming cross-references; providing for the repeal of certain financial assistance programs under certain circumstances; providing Department of Education duties related thereto; amending s. 240.4985, F.S.; revising institutional eligibility requirements for the Good-Gulfstream Trust Fund for Higher Education; providing for rules for student eligibility; creating s. 240.606, F.S.; consolidating the provisions of the college career work experience program and the public school work experience program into the Florida Work Experience Program; specifying program criteria and student and institutional eligibility; establishing a trust fund; amending s. 231.62, F.S.; conforming cross-references; establishing the occupational therapist or physical therapist critical shortage program; providing purpose; providing for loan forgiveness, scholarship loan, and tuition reimbursement programs; providing for eligibility, amount of awards, repayment, and default penalties; creating a trust fund; providing for rules; providing for implementation; repealing s. 240.403, F.S., relating to the Ex-Confederate Soldiers' and Sailors' Home Endowment Trust Fund; providing for return of the balance of the trust fund to Daughters of the Confederacy; repealing ss. 240.4062, 240.4066, 240.4068, 240.60, 240.601, 240.602, 240.603, 240.604, F.S., relating to the Critical Teacher Scholarship Loan Program, the Masters' Fellowship Loan Program for Teachers, the "Chappie" James Most Promising Teacher Scholarship Loan Program, the college career work experience program and trust fund, and the public school work experience program; providing effective dates.

By the Committee on Commerce—

CS for SB 1268—A bill to be entitled An act relating to insurance; amending ss. 213.05, 316.646, 337.106, 624.462, 624.5092, F.S.; requiring proof of insurance to indicate coverage for rental vehicles; deleting references to provisions relating to professional liability self-insurance; creating s. 624.3071, F.S.; providing for appointment of a consumer advocate; amending s. 626.022, F.S.; revising application of part I, ch. 626, F.S.; amending s. 626.031, F.S.; redefining the term "agent" for purposes of part I, ch. 626, F.S.; amending s. 624.155, F.S.; requiring the Department of Insurance to maintain certain records; specifying form and content of notice of intent to bring an action; deleting provisions requiring return of notices; requires only persons who claim punitive damages to post in advance the costs of discovery; authorizing third-party claimants to plead statutory or common-law causes of action for bad faith; limiting recovery of damages; specifying total recoverable damages; providing legislative intent; amending s. 626.241, F.S.; providing requirements for licensure examinations for title insurance agents; amending s. 626.2815, F.S.; providing continuing education requirements for title insurance agents; amending s. 626.331, F.S.; providing a limitation on agents and agency licenses; amending s. 626.611, F.S.; providing circumstances under which the department may deny, suspend, revoke, or refuse to renew a title agent's license or appointment; amending s. 626.841, F.S.; providing definitions; creating s. 626.8411, F.S.; providing for application of part II, ch. 626, F.S., to and title insurance agents; creating s. 626.8412, F.S.; providing licensure and appointment requirements for title insurance agents; creating s. 626.8414, F.S.; providing licensure requirements for title insurance agents; providing certain exemptions from the examination requirement; amending s. 626.8417, F.S.; revising qualification requirements for licensure as a title insurance agent; authorizing the designation of an insurer's corporate officer to take certain actions on behalf of the insurer; providing an exemption from licensing and appointment requirements; creating s. 626.8418, F.S.; providing application requirements for licensure as a title insurance agency; providing requirements for a surety deposit or bond; creating s. 626.8419, F.S.; providing for the appointment of title insurance agencies by title insurers; requiring a fidelity bond and errors and omissions insurance of specified amounts; amending s. 627.062, F.S.; providing documentation requirements for rating certain individual risks; amending s. 627.0645, F.S.; revising requirements for rating organizations that file rates with the department; amending s. 627.0652, F.S.; requiring motor vehicle insurance discounts for persons who complete a safety course; deleting obsolete provisions; amending s. 627.0653, F.S.; requiring certain insurance discounts for vehicles with specified equipment; amending s. 627.311, F.S.; deleting provisions requiring joint underwriting for automobile, workers' compensation, and employer's liability insurances; amending s. 627.351, F.S.; authorizing the department to approve a joint underwriting plan for motor vehicle insurance; providing requirements for such plan; revising requirements for windstorm insurance risk apportionment; deleting provisions for the

apportionment of casualty insurance afforded to political subdivisions; revising provisions with respect to medical malpractice risk apportionment and property and casualty insurance risk apportionment; limiting inducements; authorizing the department to approve a joint underwriting plan for workers' compensation and employer's liability insurances; requiring plan approval by the Legislature; amending s. 627.3515, F.S.; revising requirements for the market assistance plan for procuring property and casualty insurance; amending s. 627.357, F.S.; limiting the formation of medical malpractice self-insurance funds; amending s. 627.402, F.S.; defining the term "premium" for purposes of part II, ch. 627, F.S.; amending s. 627.408, F.S.; providing requirements for the delivery of a life or health insurance policy to the insured or beneficiary; amending s. 627.4085, F.S.; providing requirements for applications for insurance policies and annuity contracts; amending s. 627.409, F.S.; providing limitations on policy cancellation; creating s. 627.4091, F.S.; requiring specific reasons for cancellation or nonrenewal; amending s. 627.4133, F.S.; providing limitations on cancellation or nonrenewal; transferring, renumbering, and amending s. 627.726, F.S., relating to casualty insurance contracts; transferring and renumbering ss. 627.7262, 627.7264, F.S., relating to liability insurers; amending s. 627.4143, F.S.; providing requirements for outlines of coverage for motor vehicle insurance and homeowners' insurance; creating s. 627.4233, F.S.; providing requirements for disability income insurance, life insurance, and health insurance policies that contain premium waivers for total disability; providing circumstances under which an insurer may limit continuation of benefits; amending s. 627.4234, F.S.; providing requirements for cost-containment provisions in health insurance policies and health care services plans; amending s. 627.4235, F.S.; providing requirements for determining order of benefits; amending s. 627.429, F.S.; providing requirements for medical tests for human immunodeficiency virus infection and acquired immune deficiency syndrome for use by insurers; restricting coverage exclusions and limitations because of positive test results; creating s. 627.4765, F.S.; creating the Standard Nonforfeiture Law for Individual Deferred Annuities; providing applicability; providing nonforfeiture requirements for contracts of annuity; providing for minimum benefit values; providing for calculating present value and cash surrender value; providing requirements for calculating paid-up annuity benefits; providing disclosure requirements; providing for lapse-of-time considerations; providing for prorating values and benefits; amending s. 627.481, F.S.; revising requirements authorizing the department to issue permits for making certain annuity agreements for trusts or corporations; creating s. 627.522, F.S.; prohibiting industrial life insurance policies from restricting payment due to certain circumstances of death; providing for the assignment of such policies; amending s. 627.551, F.S.; providing requirements for group life insurance policies; amending s. 627.5515, F.S.; providing requirements for policies issued or delivered outside the state to a resident of the state; amending s. 627.552, F.S.; providing requirements for life insurance issued to employee groups; amending s. 627.553, F.S.; providing requirements for life insurance issued to debtor groups; amending s. 627.554, F.S.; providing requirements for life insurance issued to labor union groups; amending s. 627.555, F.S.; providing requirements of life insurance issued to trustee groups; excluding dependents in determining persons eligible for coverage under such a policy; amending s. 627.556, F.S.; providing requirements for life insurance issued to credit union groups; deleting a requirement for participation by members; amending s. 627.5565, F.S., relating to life insurance coverage for additional groups; transferring, renumbering, and amending s. 627.572, F.S.; providing requirements for life insurance issued to association groups; authorizing such groups to include dependents and employees of association members; amending s. 627.601, F.S.; providing for application of part VI, ch. 627, F.S.; amending s. 627.602, F.S.; providing requirements for health insurance policies with respect to scope and format; transferring, renumbering, and amending s. 627.6055, F.S., relating to limitations on terminating health insurance coverage for handicapped children; transferring and renumbering s. 627.6085, F.S., relating to notification requirements for cancellation, nonrenewal, or change in rates; transferring, renumbering, and amending s. 627.6145, F.S.; providing requirements for claims payments; amending s. 627.607, F.S.; revising requirements for incontestability statements on health insurance policies; creating s. 627.6407, F.S.; requiring health insurance policies that provide coverage for massage to also cover the services of persons licensed to practice massage; creating s. 627.6086, F.S.; requiring insurers to renew an existing policy, notwithstanding the prior notice to nonrenew or cancel given by the policyholder; amending s. 627.641, F.S.; requiring that certain health insurance policies provide coverage for newborn children; authorizing an insurer to charge additional premiums if timely notice is not given of the birth of the child; amending s. 627.6415, F.S.; requiring that certain health insurance poli-

cies provide coverage for adopted children; authorizing an insurer to charge additional premiums if timely notice is not given of the birth or placement of the child; amending s. 627.6417, F.S.; requiring insurers to make available coverage for certain surgical procedures and devices incident to a mastectomy; amending s. 627.6418, F.S.; requiring certain health insurance policies to include coverage for mammograms; providing circumstances under which such coverage applies; creating s. 627.6419, F.S., relating to cancellation, nonrenewal, and nonissuance of policies or excluding benefits based upon diagnosis of fibrocystic condition; amending s. 627.643, F.S.; requiring the department to adopt standards for health insurance policy forms; providing for minimum standards of benefits for specified categories of coverage; transferring, renumbering, and amending s. 627.4134, F.S.; providing requirements for preferred provider contracts for health insurance; providing certain limitations on amounts deductible and the payment of coinsurance; creating s. 627.6472, F.S.; providing requirements for exclusive provider organizations that provide benefits under health insurance policies; requiring approval of an insurer's plan of operation by the department; providing policy disclosure requirements; providing requirements for the insurer in hearing complaints and resolving grievances of policyholders; requiring insurers to offer policies that are not subject to the exclusive provider network; creating s. 627.6473, F.S.; providing for combined preferred provider and exclusive provider policies; amending s. 627.651, F.S.; providing requirements for group health insurance contracts and self-insurance health coverage; amending s. 627.6515, F.S.; providing for application of part VII, ch. 627, F.S., to group health insurance policies issued or delivered outside the state; providing requirements for such policies if issued to residents of the state; creating s. 627.6516, F.S.; providing requirements for insurance issued to trustee groups; providing requirements for eligibility; providing for payment of premiums; amending s. 627.653, F.S.; providing requirements for insurance issued to employee groups; amending s. 627.655, F.S.; providing requirements for insurance issued to debtor groups; amending s. 627.6575, F.S.; requiring that certain group, blanket, and franchise health insurance policies include coverage for newborn children; authorizing the insurer to charge additional premiums if timely notice is not given of the birth of the child; amending s. 627.6578, F.S.; requiring that certain group, blanket, and franchise health insurance policies include coverage for adopted children; authorizing the insurer to charge additional premiums if timely notice is not given of the birth or placement of the child; amending s. 627.6612, F.S.; requiring insurers to make available coverage for certain surgical procedures and devices incident to a mastectomy; amending s. 627.6613, F.S.; requiring certain group, blanket, or franchise health insurance policies to include coverage for mammograms; providing circumstances under which such coverage applies; amending s. 627.6615, F.S.; requiring the continuation of group health insurance coverage for handicapped children under specified circumstances; creating s. 627.6619, F.S.; requiring group health insurance policies that provide coverage for massage to also cover the services of persons licensed to practice massage; amending s. 627.662, F.S.; specifying provisions that apply to group health insurance, blanket health insurance, and franchise health insurance; creating s. 627.6647, F.S.; requiring insurers to release certain claims experience information with respect to group health insurance policies; amending s. 627.666, F.S.; providing for liability of succeeding insurers upon replacement of a group, blanket, or franchise health insurance policy; deleting provisions that provide for liability upon discontinuance of such insurance; amending s. 627.667, F.S.; providing for continuation of benefits in the event of disability; requiring an extension of benefits under certain policies that provide coverage for dental procedures or maternity benefits; amending s. 627.6675, F.S.; requiring group health insurance policies to provide for converted policies upon termination of eligibility or discontinuance of the group policy; providing limitations and exceptions; providing benefit requirements; deleting provisions for certain optional coverage; providing for alternate plans and reduced coverage under certain circumstances; providing legislative intent and retrospective effect; amending s. 627.668, F.S.; providing requirements for optional coverage for mental and nervous disorders; providing for certain limitations of benefits; providing for the confidentiality of certain patient records submitted to an insurer; amending s. 627.673, F.S.; providing requirements for Medicare supplement policies; providing penalties; amending s. 627.6736, F.S.; providing filing requirements for policies issued in this state; amending s. 627.674, F.S.; requiring minimum standards for Medicare supplement policies; amending s. 627.6741, F.S.; providing requirements for issuance, cancellation, nonrenewal, and replacement of Medicare supplement policies; amending s. 627.6742, F.S.; providing for the department to adopt rules for compensation arrangements between insurers and agents with respect to Medicare supplement policies; amending s. 627.6744, F.S.; providing certain limita-

tions on the issuance or sale of Medicare supplement policies; amending s. 627.6745, F.S.; providing loss ratio standards for Medicare supplement policies; requiring rate filings; amending s. 627.677, F.S.; providing definitions; creating s. 627.6841, F.S.; providing requirements for consolidations of credit insurance; providing notice requirements; providing for calculating premiums; creating s. 627.6842, F.S.; providing requirements for consolidations of group policies; creating s. 627.6843, F.S.; providing disclosure requirements for consolidations; creating s. 627.6844, F.S.; providing certain rule exemptions for group-to-group consolidations; creating s. 627.6845, F.S.; providing requirements for policy forms used in connection with consolidations; creating s. 627.7061, F.S.; providing a limitation on inquiries that constitute claim activity; amending s. 627.727, F.S.; providing coverage limitations for bodily injury under uninsured motorist insurance; revising provisions with respect to subrogation rights of underinsured motorist insurers; providing immunity from liability for insurers; amending s. 627.728, F.S.; providing notice requirements upon cancellation of motor vehicle insurance; exempting certain appeal proceedings from ch. 120, F.S.; amending s. 627.7282, F.S.; providing notice requirements for additional premiums; amending s. 627.7283, F.S.; authorizing the insurer to retain a portion of unearned premium upon cancellation of a policy of motor vehicle insurance by the insured; creating s. 627.7284, F.S.; providing circumstances under which a motor vehicle insurance policy may be voided by the insurer; amending s. 627.7295, F.S.; providing certain limitations upon cancellation of motor vehicle insurance policies and binders; amending s. 627.7372, F.S.; applying the provisions of s. 768.76, F.S., to motor vehicle insurance suits; amending s. 627.744, F.S.; providing additional exemptions from preinsurance inspection requirements; providing for inspection fees; requiring the department to conduct a study of the preinsurance inspection program and report to the Legislature; amending s. 627.745, F.S.; revising requirements for mediating insurance claims; revising requirements for qualifying as a mediator; amending s. 627.7711, F.S.; providing definitions; amending s. 627.776, F.S.; providing for the application of the Insurance Code to title insurers; amending s. 627.777, F.S.; requiring the approval of title insurance forms by the department; amending s. 627.7773, F.S.; providing for accountings and audits of forms used by title insurance agents; amending s. 627.7776, F.S.; prohibiting the furnishing of supplies; providing a penalty; amending s. 627.778, F.S.; providing certain limitations on assumption of risk by title insurers; amending s. 627.780, F.S.; prohibiting certain illegal dealings in risk premiums; amending s. 627.782, F.S.; requiring the department to adopt minimum rates for title services; providing requirements for the department in adopting premium rates; amending s. 627.783, F.S.; providing for deviations in rates for title insurance upon order of the department; creating s. 627.7831, F.S.; requiring charging and collection of the risk premium; amending s. 627.784, F.S.; prohibiting the issuance of title insurance with disregard to possible title defects; amending s. 627.7841, F.S.; providing requirements for insurance against adverse matters and defects in title; amending s. 627.7842, F.S.; providing for certain exceptions from coverage in title insurance policies; creating s. 627.7843, F.S.; providing requirements for ownership and encumbrance reports; amending s. 627.7845, F.S.; providing requirements for title searches; providing requirements for maintaining records pertaining to title searches, risk premiums, and service charges; amending s. 627.785, F.S.; preempting to the state the regulation of title insurers and title insurance; amending s. 627.786, F.S.; prohibiting the transaction of title insurance and other kinds of insurance; amending s. 627.7865, F.S.; providing for payment of unpaid outstanding claims through insurer assessments; amending s. 627.791, F.S.; providing penalties; amending s. 627.792, F.S.; providing for liability in the event of defalcation, conversion, or misappropriation of funds held in trust by a title insurance agent; amending s. 627.826, F.S.; providing definitions; amending s. 627.828, F.S.; requiring premium finance companies to obtain a certificate of authority from the department; providing for fees; providing reporting requirements; amending s. 627.8281, F.S.; conforming a cross-reference to changes made by the act; creating s. 627.8282, F.S.; providing requirements for applications for certificates of authority; creating s. 627.8283, F.S.; requiring premium finance companies to maintain a specified net worth or make a deposit with the department of a specified amount; providing requirements for proof of net worth; amending s. 627.829, F.S.; providing circumstances under which the department may refuse to renew the certificate of authority of a premium finance company; creating s. 627.8311, F.S.; providing for application and investigation fees; amending s. 627.832, F.S.; providing grounds for suspension or revocation of a certificate of authority by the department; providing for the department to order corrective plans of action on the part of a premium finance company; providing for the department to retain jurisdiction upon discontinuation of business by a premium finance company; amending s.

627.833, F.S.; providing for administrative fines and penalties; amending s. 627.834, F.S.; authorizing the department to investigate premium finance companies; providing for audits and examinations to be performed under contract and supervised by the department; amending s. 627.835, F.S.; providing requirements for refunding excessive finance charges; amending s. 627.836, F.S.; providing requirements for books and records of premium finance companies; creating s. 627.8361, F.S.; providing reporting requirements; providing requirements for audits of premium finance companies; providing for inspection of audit records; amending s. 627.838, F.S.; requiring forms used by premium finance companies to be filed with and approved by the department; providing for filing fees; creating s. 627.8381, F.S.; providing circumstances under which the department may disapprove such forms; providing circumstances under which the department may disapprove rates and charges; amending s. 627.839, F.S.; providing requirements for form and content of premium finance agreements; creating s. 627.8391, F.S.; providing for disbursements by premium finance companies; amending s. 627.840, F.S.; providing certain limitations on service charges and interest rates for premium finance contracts; providing reporting requirements; amending s. 627.8405, F.S.; prohibiting financing the cost of certain memberships and insurance; prohibiting financing the cost of life insurance policies; amending s. 627.841, F.S.; authorizing delinquency and collection charges pursuant to a premium finance agreement; authorizing cancellation charges; prohibiting the cancellation of a policy due to nonpayment of certain fees and charges; amending s. 627.845, F.S.; providing requirements for premium finance companies in furnishing statements of accounts; requiring the use of approved forms; amending s. 627.848, F.S.; providing notice requirements before an insurance contract may be canceled; requiring a refund of unearned premiums by the insurer following cancellation; creating s. 627.8491, F.S.; requiring the department to adopt rules; creating s. 627.865, F.S.; providing certain limitations on the payment of dividends by a premium finance company; providing for liability in the event of an unlawful payment of dividends; amending s. 627.901, F.S.; providing for services in the financing of insurance premiums; amending s. 627.902, F.S.; providing a limitation of service charges for the financing of property, casualty, surety, or marine insurance premiums; amending s. 627.904, F.S.; providing requirements for filing premium finance agreement forms with the department; amending s. 627.9407, F.S.; providing disclosure, advertising, and performance standards for long-term care insurance; providing requirements for restrictions based on preexisting conditions or prior institutionalization; providing requirements for long-term care insurance rates; providing additional requirements for coverage outlines; creating s. 627.94071, F.S.; providing minimum standards for long-term care policies; creating s. 627.94072, F.S.; providing mandatory policy provisions and options; amending s. 627.981, F.S.; restricting the scope of part XXI, ch. 627, F.S.; repealing ss. 627.0627, 627.0635, 627.356, 627.403, 627.4149, 627.6176, 627.6573, 627.781, 627.827, F.S., relating to the Insurance Code; reviving and re-adopting s. 634.045, F.S., and provisions of part V, ch. 626 and ch. 627, F.S., notwithstanding repeals scheduled under the Regulatory Sunset Act; providing an effective date.

By the Committee on Education and Senator Walker—

CS for SB 1290—A bill to be entitled An act relating to early education and child care; requiring coordination of subsidized child care, the prekindergarten early intervention program, and Head Start; establishing a committee to develop a plan for coordination of the programs; requiring cooperation by the Commissioner of Education and the Secretary of the Department of Health and Rehabilitative Services; providing an effective date.

By the Committee on Corrections, Probation and Parole; and Senator Forman—

CS for SB 1392—A bill to be entitled An act relating to a pretrial intervention program; amending s. 948.08, F.S.; expanding the program for limited purposes under certain circumstances; providing procedure; providing an effective date.

By the Committee on Corrections, Probation and Parole; and Senators Yancey, Dudley and Malchon—

CS for SB 1846—A bill to be entitled An act relating to pretrial release and detention; renaming ch. 903, F.S.; amending s. 903.011, F.S.; providing definitions; creating s. 903.012, F.S.; providing legislative intent and state policy presumptively favoring pretrial release on nonmonetary conditions; amending s. 903.02, F.S.; prohibiting certain courts from granting pretrial release or removing conditions under specified circum-

stances; amending s. 903.03, F.S.; providing jurisdiction of pretrial release motions; creating s. 903.031, F.S.; providing for establishment and organization of pretrial services agencies; creating s. 903.032, F.S.; providing for interviews of detainees and reports to the court by pretrial services agencies; creating s. 903.033, F.S.; providing duties of pretrial services agencies; amending s. 903.035, F.S.; providing for applications for pretrial release and for modification of pretrial release conditions; providing penalties for false information; amending s. 903.046, F.S.; providing purpose and criteria for pretrial release determinations; amending s. 903.047, F.S.; providing for personal recognizance and conditions of pretrial release; providing for pretrial release orders; creating s. 903.0471, F.S.; providing for mandatory review of release conditions in certain circumstances; amending s. 903.131, F.S.; providing for revocation of release pending appeal; amending s. 903.132, F.S.; providing for release pending appeal in specified circumstances; providing for appeal of order; amending s. 903.133, F.S.; prohibiting release on appeal in specified circumstances; creating s. 903.601, F.S.; providing penalties for violations of pretrial release, including arrest and contempt of court; providing additional penalties for commission of crimes while on release and requiring warnings; renumbering and amending s. 907.041, F.S.; providing general provisions and criteria for pretrial detention; providing for pretrial detention hearings and orders; providing for expedited trial of defendants on pretrial detention; creating s. 901.141, F.S.; providing for notices to appear instead of arrest in misdemeanor and local ordinance violation cases and providing certain immunity from liability; reenacting s. 316.635(3), F.S., relating to detention of minors for criminal traffic violations, to incorporate the amendments to chapters 901 and 903, F.S., in references thereto; amending s. 790.065, F.S., relating to sale and delivery of firearms, to conform; providing effective dates.

By the Committee on Commerce—

CS for SB 1952—A bill to be entitled An act relating to pari-mutuel wagering; amending s. 20.16, F.S.; providing for a general counsel for the Florida Pari-mutuel Commission and providing for duties and compensation; saving from repeal s. 20.16(4), F.S., relating to the commission; creating s. 550.001, F.S.; providing a short title; creating s. 550.002, F.S.; providing definitions; creating s. 550.003, F.S.; providing for validating existing permits; amending s. 550.012, F.S.; providing for restoration of lost performances; amending s. 550.0121, F.S.; authorizing the Florida Pari-mutuel Commission to approve, reallocate, or reassign performance dates; providing additional operating days; removing restrictions on the number of matinee performances that may be conducted by Summer-sport Jai Alai; providing for quarter horse racing throughout the year; providing that any permitted facility may be used for the conduct of concerts, trade shows, expositions, conventions, flea markets, charitable events, and similar activities in addition to the conduct of pari-mutuel wagering; amending s. 550.02, F.S.; providing powers and duties of the Division of Pari-mutuel Wagering of the Department of Business Regulation; amending s. 550.03, F.S.; providing for "hound dog derbies" or "mutt derbies"; amending s. 550.042, F.S.; authorizing minors to attend and be employed at pari-mutuel performances under specified conditions; amending s. 550.05, F.S.; providing procedures for obtaining pari-mutuel operation permits; providing for contents of a permit application; providing duties of the Division of Pari-mutuel Wagering; amending s. 550.06, F.S.; providing technical changes; amending s. 550.09, F.S.; providing for fees and taxes; amending s. 550.10, F.S.; providing for taxes in lieu of other taxes; amending s. 550.115, F.S.; expanding the number of persons covered by the relief fund; amending s. 550.12, F.S.; providing bond requirements; providing for annual review of permitholders' records; amending s. 550.13, F.S.; providing for payment of racing funds to district school boards; amending s. 550.16, F.S.; providing limitation on takeout; amending s. 550.162, F.S.; providing technical and conforming language; amending s. 551.1535, F.S.; providing for Jai Alai Tournament of Champions Meet; amending ss. 550.164, 550.24, F.S.; providing conforming language; amending s. 550.2405, F.S.; providing for inadmissibility in criminal proceedings of certain evidence of tests or actions taken by stewards, judges, or the division; reenacting and amending s. 550.241, F.S.; specifying circumstances under which racing animal drug test results are to be disclosed; providing limited confidentiality for test results; providing for future review and repeal of related public records law exemptions; regulating the medication of racing animals and prohibiting the use of drugs in racing animals under certain circumstances; providing procedures for obtaining and testing split samples of blood or urine; providing legislative intent that greyhound racing animals be treated humanely; providing for the establishment of adoption facilities under certain circumstances; amending s. 550.2616, F.S.; providing sources of funds for breeders' awards; amending s. 550.262, F.S.; providing for certain funds to be with-

held from purse pools; specifying the purposes for which such funds are to be used; providing for payment of breeders' and owners' awards under certain circumstances; providing technical changes; amending s. 550.28, F.S.; providing technical changes; amending s. 550.33, F.S.; removing authority to conduct quarter horse races; removing a prohibition against specified intertrack wagering by quarter horse permitholders; amending s. 550.35, F.S.; providing that wagers accepted by out-of-state pari-mutuel permitholders on a broadcasted race may be included in the track's pari-mutuel pool; authorizing the division to facilitate commingling of pari-mutuel pools; amending s. 550.37, F.S.; revising legislative findings; providing for operation of certain harness tracks; amending s. 550.50, F.S.; providing clarifying language; amending s. 550.52, F.S.; providing a schedule of racing dates for certain permitholders; providing additional operating days; providing operating conditions for licensed thoroughbred permitholders; amending s. 550.61, F.S.; specifying times during which specified facilities may conduct intertrack wagering; providing for greyhound racing purses to be paid from thoroughbred horse-racing purses generated from intertrack wagering at dogtracks; restricting the conduct of intertrack wagering in certain counties; amending s. 550.62, F.S.; providing for optional payments to the Florida Owners' Awards program; amending s. 550.63, F.S.; providing a formula for distribution of intertrack wagering proceeds from out-of-state simulcast races; providing for thoroughbred purse money to be paid to certain permitholders under certain circumstances; amending s. 550.633, F.S.; providing that the surcharge collected by a guest track accepting intertrack wagers must be calculated after breakage is taken out; creating s. 550.70, F.S.; requiring jai alai court judges at certain jai alai games; providing time for ratifying jai alai permits; allowing amateur jai alai contests; amending ss. 772.102, 895.02, F.S.; providing conforming provisions; providing for the repeal of specified provisions in chs. 550, 551, F.S., relating to pari-mutuel wagering and jai alai; providing an effective date.

By the Committee on Education and Senator Johnson—

CS for SB 1996—A bill to be entitled An act relating to postsecondary education; amending s. 235.41, F.S.; correcting a cross reference; amending s. 235.42, F.S.; revising provisions relating to the Public Education Capital Outlay and Debt Service Trust Fund; amending s. 235.4235, F.S.; revising provisions relating to the financing of approved capital projects; amending s. 240.107, F.S., relating to the college-level communication and computation skills examination; providing intent; requiring a review and reports; amending s. 240.1201, F.S.; adding certain persons to the classification of residents for tuition purposes; amending s. 240.147, F.S.; revising powers and duties of the Postsecondary Education Planning Commission; amending s. 240.209, F.S.; revising powers and duties of the Board of Regents; conforming a cross reference; authorizing a facility improvement fee; authorizing the provision of workers' compensation coverage; providing for a portion of student tuition and matriculation fees to be pledged for capital debt; creating the State University System Capital Outlay and Debt Service Trust Fund; specifying revenue use; amending s. 240.2093, F.S.; revising provisions relating to issuance of bonds; authorizing the sale of new bonds; amending s. 240.2094, F.S.; providing for a university operating fund; providing State University System expenditure requirements; amending s. 240.213, F.S.; revising provisions relating to a Board of Regents self-insurance program; creating s. 240.255, F.S.; creating the Challenge Grants Trust Fund; providing for administration, matching grants, and university accounts; prohibiting certain uses; amending s. 240.271, F.S.; authorizing the Board of Regents to suspend or modify certain provisions relating to university funding; amending s. 240.277, F.S.; revising provisions relating to certain expenditures and moneys received by institutions; creating s. 240.2795, F.S.; providing for the administration of capital improvement, building, and facility improvement fee funds; providing for the use of certain funds; amending s. 240.295, F.S.; revising provisions relating to State University System capital outlay projects; amending s. 240.296, F.S.; creating a loan fund and trust fund to provide additional security for revenue certificates issued for capital projects in the State University System; amending ss. 240.311 and 240.335, F.S.; deleting certain community college annual reports; amending s. 240.319, F.S.; revising provisions relating to certain community college board of trustees contracts; amending s. 240.35, F.S.; revising provisions relating to establishment of community college student fees; authorizing certain fee waivers; amending s. 240.359, F.S.; revising provisions relating to the funding category of lifelong learning; amending s. 240.36, F.S.; revising provisions relating to payments from the Florida Academic Improvement Trust Fund for Community Colleges; amending s. 240.367, F.S.; revising provisions relating to negotiation of current loans; creating s. 240.4988, F.S.; establishing a scholarship program and trust fund to benefit disabled students; amending s. 240.522,

F.S.; providing for the establishment of a foundation for the university in Southwest Florida; requiring a plan for development and expansion of the university; amending s. 240.551, F.S., relating to the Florida Prepaid Postsecondary Education Expense Program; revising a definition; creating s. 240.607, F.S.; creating the Access Grant Fund for Community College Graduates and providing for grants to eligible students; providing institution eligibility; amending s. 243.04, F.S.; authorizing the State Board of Regents to pledge revenue from one or more institutions to secure payment of debt service; repealing ss. 240.138, 240.257, 240.259, 240.2605, and 240.347, F.S., relating to reporting of foreign gifts, the Florida Endowment Trust Fund for Eminent Scholars Act, the Trust Fund for New Donors, the Trust Fund for Major Gifts, and the State Community College Program Fund; providing an effective date.

By the Committee on Community Affairs and Senator Thomas—

CS for SB 2056—A bill to be entitled An act relating to educational facilities; creating s. 240.155, F.S.; requiring the Board of Regents and the board of trustees of each community college district to prepare a campus master plan for each institution under its jurisdiction; prescribing requirements for such plans; providing for the Board of Regents and the board of trustees of each community college district to enter into campus development agreements with units of local government within which universities or community colleges are located or which are affected by the universities or community colleges; providing for resolution of disputes with respect to campus development; providing for supersession of other comprehensive planning requirements; providing an effective date.

By the Committee on Education and Senator Johnson—

CS for SB 2120—A bill to be entitled An act relating to vocational education; amending s. 229.551, F.S., relating to educational management; deleting an obsolete requirement; requiring the Department of Education to conduct a vocational education program evaluation under s. 229.558, F.S.; deleting the current vocational education program evaluation provision; amending s. 229.557, F.S., relating to the vocational education management information system; requiring that the system include the vocational education program evaluations under s. 229.558, F.S.; deleting the requirement that the system include certain enrollment, employment, and education information for vocational education students and former students; amending s. 229.558, F.S.; replacing the vocational education reporting requirements by a new department system of collecting and analyzing data and setting goals for programs; requiring the Auditor General to examine a sample of the records every 5 years; providing for confidentiality of certain information; authorizing the department to withhold funding under certain circumstances; requiring a longitudinal analyses; creating s. 229.5586, F.S.; requiring that the information in the new reports be made available in certain reports and to the public; amending s. 246.207, F.S., relating to the powers and duties of the State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools; authorizing the board to collect the data needed for the vocational education evaluation reports for schools that provide information to the public under s. 229.5586, F.S.; providing an effective date.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State CS for SB 60 and SB 798, which he approved on February 26, 1992.

The Governor advised that he had filed with the Secretary of State SB 252, which became law without his signature on February 27, 1992.

APPOINTMENTS SUBJECT TO CONFIRMATION BY THE SENATE:

The Secretary of State has certified that pursuant to the provisions of Section 114.05, Florida Statutes, certificates subject to confirmation by the Senate had been prepared for the following:

	<i>For Term Ending</i>
<i>Office and Appointment</i>	
Electrical Contractors' Licensing Board	
Appointee: Colley, Jesse B., Ormond Beach	12/17/95
Florida State Fair Authority, Congressional District 12	
Appointee: Fenn, Havert L., Fort Pierce	06/30/93

*For Term
Ending*

Office and Appointment

Adjutant General of Florida National Guard
Appointee: Harrison, Ronald O., Orlando Pleasure of Governor

State Retirement Commission
Appointee: Butler, Wilbert, Jr., Tallahassee 12/31/95

Referred to the Committee on Executive Business, Ethics and Elections.

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 115, CS for HB 415, CS for HB 429, HB 517, CS for HB 717, CS for HB 739, HB 867, CS for HB 929, CS for HB 973, HB 1307, HB 1339, CS for HB 1415, HB 1437, HB 1571, HB 1631, HB 1791, HB 2169, HB 2203, HB 2339, HB 2361; has passed as amended CS for HB 151, HB 205, CS for HB 223, CS for HB 309, CS for HB 507, HB 1065, CS for HB 1111, HB 1303, HB 1355, HB 1469, HB 1505, HB 2163, HB 2289; has adopted HM 2113, HM 2353 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representative Stafford and others—

HB 115—A bill to be entitled An act relating to crimes against the elderly; amending s. 784.08, F.S.; providing that enhanced penalties apply for certain crimes against elderly persons regardless of whether the person charged with the crime has knowledge of the age of the victim; providing an effective date.

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

By the Committee on Commerce and Representative Hafner and others—

CS for HB 415—A bill to be entitled An act relating to consumer transaction fraud; creating s. 501.2077, F.S.; providing enhanced civil penalties with respect to a consumer transaction violation which victimizes or attempts to victimize a senior citizen or handicapped person; providing definitions; providing for priority of restitution orders and actual damages; providing for deposit and disbursement of enhanced civil penalties; amending s. 501.2075, F.S., relating to civil penalties, to conform; providing an effective date.

—was referred to the Committees on Professional Regulation and Judiciary.

By the Committee on Insurance and Representative Ostrau and others—

CS for HB 429—A bill to be entitled An act relating to insurance; amending s. 625.111, F.S.; providing a formula for the computation of unearned title insurance premium reserves; providing for the release of a percentage of unearned premium reserves; defining the terms "net retained liability" and "single risk"; providing an effective date.

(Substituted for CS for SB 568 on the Special Order Calendar this day.)

By the Committee on Regulatory Reform and Representative Tobin—

HB 517—A bill to be entitled An act relating to construction contracting; amending s. 489.105, F.S.; redefining the term "contractor"; including in the term "contractor" the term "specialty contractor"; amending s. 489.109, F.S.; providing a 90-day grace period for license inactivation; amending s. 489.113, F.S.; limiting the nature of the specialty contractor classification; providing that the addition of a new profession to the part does not limit the job scope of an established profession; amending s. 489.115, F.S.; clarifying language with respect to certification criteria; amending s. 489.117, F.S.; limiting the types of locally licensed contractors who may be required to register; creating s. 489.124, F.S.; requiring

contractors to maintain business records; amending s. 489.129, F.S.; providing additional grounds for discipline; amending s. 489.131, F.S.; revising language with respect to applicability; clarifying terminology with respect to occupational licenses; amending s. 489.503, F.S.; providing an additional exemption to contracting registration requirements; amending s. 489.511, F.S.; providing that the board shall provide, by rule, for the scope of work and responsibility of specialty contractors; providing effective dates.

—was referred to the Committees on Professional Regulation, Commerce and Appropriations.

By the Committee on Agriculture and Representative Harris and others—

CS for HB 717—A bill to be entitled An act relating to the Department of Citrus; amending s. 601.10, F.S.; revising language with respect to the powers of the department to provide that any information which consists of a trade secret shall be held confidential; amending s. 601.154, F.S.; providing additional advisory council members; amending s. 601.731, F.S.; providing exemptions from height requirements for sign lettering on vehicles transporting citrus; providing an effective date.

—was referred to the Committees on Agriculture and Appropriations.

By the Committee on Judiciary and Representative Davis and others—

CS for HB 739—A bill to be entitled An act relating to the Board of Regents; amending s. 240.215, F.S.; providing that employees or agents of the Board of Regents shall not be determined to be agents of other persons in civil actions resulting from certain acts or omissions; revising continuing education requirements; limiting liability of affiliated health care providers; providing for applicability; providing an effective date.

—was referred to the Committees on Education and Judiciary.

By Representative Clemons—

HB 867—A bill to be entitled An act relating to Bay County; repealing chapter 20048, Laws of Florida, 1939, as amended, which provides for the nomination, appointment, and term of office of Harbor Master; abolishing the position of Harbor Master; 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 Commerce and Representative Stone—

CS for HB 929—A bill to be entitled An act relating to business opportunities; amending s. 559.801, F.S.; providing that provisions relating to business opportunity sellers apply to advertisers of business opportunities; providing an effective date.

—was referred to the Committee on Commerce.

By the Committee on Governmental Operations and Representative Figg—

CS for HB 973—A bill to be entitled An act relating to confidentiality of certain personal information and security systems; amending s. 119.07, F.S.; revising the exemption from public records requirements for personal information relating to law enforcement officers, certain personnel of the Department of Health and Rehabilitative Services, firefighters, justices, and judges; authorizing release of information under certain conditions; amending s. 281.301, F.S.; clarifying the exemptions from public records and public meetings requirements for information about certain security systems; authorizing release of information under certain conditions; providing an effective date.

—was referred to the Committee on Governmental Operations.

By Representative McEwan and others—

HB 1307—A bill to be entitled An act relating to Orange County; amending chapter 26066, Laws of Florida, 1949, as amended; providing for the appointment of one additional trustee; changing the number of trustees required to constitute a quorum and to transact business after the addition of the additional trustee; requiring the District to send one copy of its annual financial statement to the Chairman of the Orange County Legislative Delegation; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Hawkins—

HB 1339—A bill to be entitled An act relating to the City of Naples, Collier County; amending ch. 90-469, Laws of Florida, which prohibits the taking of saltwater fish, except by hook and line, hand-held cast nets, and with no more than five (5) crab traps, in the residential, man-made saltwater canals in the City of Naples, to define those man-made saltwater canals within the City of Naples subject to the jurisdiction of the act; 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 Natural Resources and Representative McEwan and others—

CS for HB 1415—A bill to be entitled An act relating to state recreational areas; renaming the Flagler State Recreational Area in Flagler County as the "Gamble Rogers Memorial State Recreation Area at Flagler Beach"; directing that appropriate markers be erected; providing an effective date.

—was referred to the Committee on Natural Resources and Conservation.

By Representative Harris and others—

HB 1437—A bill to be entitled An act relating to farmworker housing; amending s. 381.008, F.S.; providing definitions; creating s. 381.0089, F.S.; providing for right of access to migrant labor camps and residential migrant housing; providing notice requirement; authorizing civil action; providing for civil liability; providing for rules; creating s. 381.00891, F.S.; providing for an administrative complaint process; creating s. 381.00892, F.S.; prohibiting discriminatory conduct; providing for review and repeal; providing an effective date.

—was referred to the Committees on Community Affairs and Appropriations.

By Representative Hill—

HB 1571—A bill to be entitled An act relating to Northern Palm Beach County Water Control District, Palm Beach County; amending chapter 59-994, Laws of Florida; expanding the boundaries of said district; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Press—

HB 1631—A bill to be entitled An act relating to the Delray Beach Downtown Development Authority, Palm Beach County; amending chapter 91-385, Laws of Florida; extending the date for a referendum; providing for a referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Crady—

HB 1791—A bill to be entitled An act relating to the Baker County Hospital Authority; amending chapter 28887, Laws of Florida, 1953, as amended; increasing the number of members serving on the Baker County Hospital Authority; 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 Corrections and Representative Logan—

HB 2169—A bill to be entitled An act relating to the state correctional system; amending s. 944.023, F.S.; revising definition of "lawful capacity"; providing standards for design capacity and maximum capacity; requiring the correctional master plan to include habitability and inventory criteria; amending ss. 944.096 and 944.598, F.S., to conform; providing an effective date.

—was referred to the Committees on Corrections, Probation and Parole; and Appropriations.

By Representative Burke—

HB 2203—A bill to be entitled An act relating to the School District of Dade County, Florida; providing for the relief of Kevin Johnson, a minor, by and through his mother and guardian, Joanne Adside; directing the district school board to provide compensation for serious physical injury suffered by Kevin Johnson while enrolled in an after-school child care program at Lillie C. Evans Elementary School; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Special Master; and the Committee on Finance, Taxation and Claims.

By the Committee on Regulatory Reform and Representative Tobin—

HB 2339—A bill to be entitled An act relating to the State Retirement Commission; saving ss. 121.22-121.24, F.S., from Sundown repeal; removing the requirements for future legislative review and repeal; providing an effective date.

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

By the Committee on House Administration and Representative Kelly—

HB 2361—A bill to be entitled An act relating to the Joint Legislative Management Committee; amending s. 11.147, F.S., relating to the authority of the executive director of the committee to hire or remove personnel; providing an effective date.

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

By the Committee on Corrections and Representatives Kelly and Goode—

CS for HB 151—A bill to be entitled An act relating to inmate release; amending s. 944.605, F.S., relating to exit photos; providing an exception; creating s. 944.606, F.S.; providing legislative findings; providing for release of certain information to the sheriff within 6 months prior to release of sex offenders; authorizing the sheriff to release information; providing for immunity; amending s. 947.177, F.S.; providing for an exit photo within a certain time period; providing an effective date.

—was referred to the Committee on Corrections, Probation and Parole.

By Representatives K. Smith and Bainter—

HB 205—A bill to be entitled An act relating to state lands; amending s. 253.783, F.S.; adding the Department of Agriculture and Consumer Services to the advisory committee assisting in the development of a management plan for former Cross Florida Barge Canal lands; amending s. 253.7829, F.S.; directing the department to delegate operation and maintenance of certain water control structures; amending s. 374.001, F.S.; revising language with respect to transfer of the canal authority to the Department of Natural Resources; providing an effective date.

—was referred to the Committees on Natural Resources and Conservation; and Agriculture.

By the Committee on Criminal Justice and Representative Martinez and others—

CS for HB 223—A bill to be entitled An act relating to citations; amending s. 316.640, F.S.; prohibiting state agencies from establishing quotas for the issuance of traffic citations by law enforcement officers; requiring work performance standards for traffic enforcement activity; prohibiting Division of Law Enforcement of Department of Natural Resources from establishing quotas for the issuance of citations by marine patrol officers; directing department to promulgate rules; amending s. 316.304, F.S.; exempting the use of certain cellular telephone headsets from prohibition against wearing headsets while operating a motor vehicle; providing an effective date.

—was referred to the Committees on Transportation; and Natural Resources and Conservation.

By the Committee on Criminal Justice and Representative Stafford and others—

CS for HB 309—A bill to be entitled An act relating to restitution; amending s. 775.089, F.S.; expanding criteria for ordering restitution; providing for binding nature of restitution orders entered as part of plea agreements; providing for continuation of unsatisfied restitution obligations; providing for interest on outstanding unpaid amounts of restitution orders, and for liens on real estate owned by the defendant; authorizing collection of restitution by the state attorney; precluding discharge of the obligation in bankruptcy or other relief proceeding; reenacting ss. 538.07(2), 538.23(4), 810.115, 921.187(2), 944.17(5)(f), 947.147, 948.03(1)(e), 948.032, and 960.001(1)(h), F.S., relating to secondhand dealers, secondary metals recyclers, breaking or injuring fences, disposition and sentencing, correctional commitments and classification, victim restitution as condition of control release, terms and conditions of probation and community control, and guidelines for fair treatment of victims, to incorporate said amendment in references thereto; requiring the Governor's Office of Victims' Rights to conduct a survey and make recommendations to the Legislature relating to unclaimed victim restitution payments; providing an effective date.

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

By the Committee on Criminal Justice and Representative Mishkin and others—

CS for HB 507—A bill to be entitled An act relating to domestic violence; amending s. 741.30, F.S.; providing criteria for the issuance of mutual orders of protection; providing for the effect of such orders; providing an effective date.

—was referred to the Committee on Judiciary.

By Representative Silver—

HB 1065—A bill to be entitled An act relating to Metropolitan Dade County; providing for the relief of James C. Griffin, as personal representative of the estate of Desire M. Griffin, a deceased minor, James C. Griffin, individually and as surviving parent of Desire M. Griffin, a deceased minor, and Judith L. Griffin, individually and as surviving parent of Desire M. Griffin, a deceased minor, to compensate them for losses they sustained as the result of an accident which caused the death of Desire M. Griffin, a minor child, as a result of the negligence of Metropolitan Dade County; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Special Master; and the Committee on Finance, Taxation and Claims.

By the Committee on Claims and Representative Hill—

CS for HB 1111—A bill to be entitled An act for the relief of Edith and Lewis Crosley, parents of Todd Patrick Neely; providing an appropriation to compensate them for losses incurred in defense of their son, unjustly arrested by the Martin County Sheriff's Department and convicted on the basis of evidence suppressed by the state; providing an effective date.

—was referred to the Special Master; and the Committee on Finance, Taxation and Claims.

By Representative McEwan and others—

HB 1303—A bill to be entitled An act relating to Orange County; relating to the Valencia Water Control District, created pursuant to chapter 298, Florida Statutes; amending chapter 80-556, Laws of Florida; redefining 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 the Committee on Regulatory Reform and Representative Tobin—

HB 1355—A bill to be entitled An act relating to railroads and other common carriers; amending s. 318.18, F.S.; providing a civil penalty for failure to obey traffic control requirements at railroad-highway grade crossings; amending s. 351.03, F.S.; authorizing municipalities and counties to implement means to secure railroad-highway grade crossings against accidents and, pursuant thereto, to pass ordinances prohibiting the sounding of audible train warning devices between certain hours; pro-

viding for funding of the pilot projects; amending s. 351.034, F.S.; providing an exception to provisions requiring railroad-highway grade crossings to be cleared for emergency vehicles; repealing s. 351.003, F.S., relating to powers of the Florida Public Service Commission over intrastate rail rates and practices; repealing s. 351.009, F.S., relating to fees required to be paid by railroad companies to the commission; saving s. 361.025, F.S., and chapters 351 and 354, F.S., from Sunset repeal; providing for future review and repeal; providing an effective date.

—was referred to the Committees on Transportation and Appropriations.

By Representative Liberti—

HB 1469—A bill to be entitled An act relating to Palm Beach County; amending chapter 67-1876, Laws of Florida, as amended, relating to the Palm Beach County Construction Industry Licensing Board; amending definitions of contractor, qualifying agent, and supervision; amending the experience prerequisites for plumbing, electrical, and heating, air conditioning, refrigeration, and ventilation contractors, specialty contractors, and journeymen; adding definitions of chapter and employee; amending the name of the board; amending membership requirements; providing that the board is autonomous regarding licensure and disciplining of contractors and participates in the hiring of its director; amending requirements regarding applications and issuance of certificates; amending procedures regarding license renewals; increasing maximum fees to be charged; modifying advertising requirements; expanding lists of acts subject to disciplinary action; expanding disciplinary powers of the board; amending exemptions; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Lippman—

HB 1505—A bill to be entitled An act relating to the Florida Birth-Related Neurological Injury Compensation Plan; amending s. 766.314, F.S.; correcting a provision relating to supervised certified nurse midwives; providing an effective date.

—was referred to the Committees on Commerce and Professional Regulation.

By the Committee on Corrections and Representative Logan—

HB 2163—A bill to be entitled An act relating to corrections; amending s. 944.026, F.S.; expanding the use of secure community-based residential drug treatment facilities; amending s. 948.001, F.S.; revising a definition relating to drug offender probation caseloads; amending s. 948.51, F.S.; revising eligibility of counties to contract with the Department of Corrections for community corrections funds, and replacing correctional planning committees with public safety coordinating councils; amending s. 944.17, F.S.; requiring release of records relating to inmate custody classification under certain circumstances; amending ss. 944.702-944.707, F.S.; eliminating the 30-day early release provision, the temporary housing provision, and the stipend provision of the transition assistance program; revising duties; amending s. 951.26, F.S.; changing the name and membership of the county correctional planning committee; providing for designees by the chairman of the board of county commissioners and by the sheriff for appointment to a county public safety coordinating council; providing for records and meetings of councils to be open to the public; reenacting and amending s. 921.187(1)(b), F.S., relating to disposition and sentencing, alternatives, and restitution, to conform; amending s. 950.002, F.S.; allowing counties to house nonsentenced offenders in county work camps; creating s. 951.28, F.S.; providing for involuntary mental health treatment of county and municipal inmates and certain pretrial detainees; creating s. 948.048, F.S.; authorizing the department to reimburse correctional probation officers for insurance deductible amounts for vandalism damage in certain circumstances; amending ss. 944.277 and 947.146, F.S.; clarifying language; expanding exceptions to eligibility for grants of provisional credits and authorizing use of certain information in determining eligibility for provisional credits; providing effective dates.

—was referred to the Committees on Corrections, Probation and Parole, and Appropriations.

By Representative Ireland—

HB 2289—A bill to be entitled An act relating to Lee County; prohibiting the taking of saltwater fish, except by hook and line, handheld cast net, or use of five or fewer blue crab traps, from specified manmade canals and waterways within the county; providing a penalty; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Muscarella and others—

HM 2113—A memorial to the Congress of the United States, urging Congress to pass House Resolution 4066 to request from certain countries information concerning American servicemen missing in Southeast Asia during the Vietnam Conflict and to require the heads of federal departments and agencies to disclose to Congress information concerning such servicemen and civilians.

—was referred to the Committee on Rules and Calendar.

By Representative Cosgrove and others—

HM 2353—A memorial urging the Congress of the United States to keep Homestead Air Force Base in Dade County, Florida, from closing.

—was referred to the Committee on Rules and Calendar.

RETURNING MESSAGES ON SENATE BILLS

The Honorable Gwen Margolis, President

I am directed to inform the Senate that the House of Representatives has passed with amendment SB 208 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 208—A bill to be entitled An act relating to probation; amending s. 948.04, F.S.; providing for defendants placed on probation or community control for committing sexual battery or child abuse to be subject to the maximum level of supervision for the full term of probation or community control; providing an effective date.

House Amendment 1 (with Title Amendment)—On page 1, line 12, insert:

Section 1. Section 794.011, Florida Statutes, is amended to read:

794.011 Sexual battery.—

(1) *As used in this chapter Definitions:*

(a) ~~The term~~ "Consent" means intelligent, knowing, and voluntary consent and ~~does shall not be construed to~~ include coerced submission.

(b) ~~The term~~ "Mentally defective" means ~~that a person suffers from~~ a mental disease or defect which renders ~~a that~~ person temporarily or permanently incapable of appraising the nature of his or her conduct.

(c) ~~The term~~ "Mentally incapacitated" means ~~that a person is rendered~~ temporarily incapable of appraising or controlling ~~a person's own~~ his or her conduct due to the influence of a narcotic, anesthetic, or intoxicating substance administered ~~to that person~~ without his or her consent or due to any other act committed upon that person without his or her consent.

(d) ~~The term~~ "Offender" means a person accused of a sexual offense *in violation of a provision of this chapter.*

(e) ~~The term~~ "Physically helpless" means ~~that a person is~~ unconscious, asleep, or for any other reason physically unable to communicate unwillingness to an act.

(f) ~~The term~~ "Retaliation" includes, but is not limited to, threats of future physical punishment, kidnapping, false imprisonment or forcible confinement, or extortion.

(g) ~~The term~~ "Serious personal injury" means great bodily harm or pain, permanent disability, or permanent disfigurement.

(h) ~~The term~~ "Sexual battery" means oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object; however, sexual battery does not include an act done for a bona fide medical purpose.

(i) ~~The term "Victim" means a the person who has alleging to have~~ impaired or handicapped and substantially limited in his or her ability to resist or flee ~~an act.~~

(j) ~~The term "Physically incapacitated" means that a person is bodily~~ impaired or handicapped and substantially limited in his or her ability to resist or flee ~~an act.~~

(k) "Child" means a victim less than 12 years of age.

(2)(a) A person 18 years of age or older who commits sexual battery upon, or in an attempt to commit sexual battery injures the sexual organs of, a child person less than 12 years of age in an attempt to commit sexual battery upon such person commits a capital felony, punishable as provided in ss. 775.082 and 921.141.

(b) A person who is less than 18 years of age and who commits sexual battery upon, or in an attempt to commit sexual battery injures the sexual organs of, a child less than 12 years of age commits if the offender is under the age of 18, that person is guilty of a life felony, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) A person who commits sexual battery upon a person 12 years of age or older, without that person's consent, and in the process thereof uses or threatens to use a deadly weapon or uses actual physical force likely to cause serious personal injury commits is guilty of a life felony, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) A person who commits sexual battery upon a person 12 years of age or older, without that person's consent, under any of the following circumstances, commits is guilty of a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

(a) When the victim is physically helpless to resist.

(b) When the offender coerces the victim to submit by threatening to use force or violence likely to cause serious personal injury on the victim, and the victim reasonably believes that the offender has the present ability to execute the threat.

(c) When the offender coerces the victim to submit by threatening to retaliate against the victim, or any other person, and the victim reasonably believes that the offender has the ability to execute the threat in the future.

(d) When the offender, without the prior knowledge or consent of the victim, administers or has knowledge of someone else administering to the victim any narcotic, anesthetic, or other intoxicating substance which mentally or physically incapacitates the victim.

(e) When the victim is mentally defective and the offender has reason to believe this or has actual knowledge of this fact.

(f) When the victim is physically incapacitated.

(5) A person who commits sexual battery upon a person 12 years of age or older, without that person's consent, and in the process thereof uses physical force and violence not likely to cause serious personal injury commits is guilty of a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(6) Without regard to the willingness or consent of the victim, which is not a defense to prosecution under this subsection, a person who is in a position of familial or custodial authority to a person less than 18 years of age and who:

(a) Solicits that person to engage in any act which would constitute sexual battery under paragraph (1)(h) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) Engages in any act with that person while the person is 12 years of age or older but less than 18 years of age which constitutes sexual battery under paragraph (1)(h) commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) Engages in any act with that person while the person is a child less than 12 years of age which constitutes sexual battery under paragraph (1)(h), or in an attempt to commit sexual battery injures the sexual organs of such child commits a capital or life felony, punishable pursuant to subsection (2).

(6) Evidence of the victim's mental incapacity or defect is admissible to prove that the consent was not intelligent, knowing, or voluntary, and the court shall instruct the jury accordingly.

Section 2. Section 794.041, Florida Statutes, is amended to read:

~~794.041 Sexual activity with child by or at solicitation of person in familial or custodial authority; penalties.—~~

(1) ~~For the purposes of this section, the term "sexual activity" means the oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object.~~

(2) ~~Any person who stands in a position of familial or custodial authority to a child 12 years of age or older but less than 18 years of age and who:~~

(a) ~~Solicits that child to engage in sexual activity is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

(b) ~~Engages in sexual activity with that child is guilty of a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

(3) ~~The willingness or consent of the child is not a defense to prosecution under this section.~~

Section 3. For the purpose of incorporating and conforming the amendments to sections 794.011 and 794.041, Florida Statutes, in references thereto, the sections or subdivisions of Florida Statutes set forth below are reenacted and, where indicated, amended 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 minors from the state or concealing minors 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.
- 13.14. Chapter 796, relating to prostitution.
- 14.15. Section 798.02, relating to lewd and lascivious behavior.
- 15.16. Chapter 800, relating to lewdness and indecent exposure.
- 16.17. Section 806.01, relating to arson.
- 17.18. Section 812.13, relating to robbery.

- 18.19. Section 826.04, relating to incest.
 19.20. Section 827.03, relating to aggravated child abuse.
 20.21. Section 827.04, relating to child abuse.
 21.22. Section 827.05, relating to negligent treatment of children.
 22.23. Section 827.071, relating to sexual performance by a child.
 23.24. Section 415.111, relating to abuse, neglect, or exploitation of aged or disabled persons.

24.25. Chapter 847, relating to obscene literature.

25.26. 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.

26.27. 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.

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:

- (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.
- ~~(m)~~~~(n)~~ Chapter 796, relating to prostitution.
- ~~(n)~~~~(o)~~ Section 798.02, relating to lewd and lascivious behavior.
- ~~(o)~~~~(p)~~ Chapter 800, relating to lewdness and indecent exposure.
- ~~(p)~~~~(q)~~ Section 806.01, relating to arson.
- ~~(q)~~~~(r)~~ Section 812.13, relating to robbery.
- ~~(r)~~~~(s)~~ Section 826.04, relating to incest.
- ~~(s)~~~~(t)~~ Section 827.03, relating to aggravated child abuse.
- ~~(t)~~~~(u)~~ Section 827.04, relating to child abuse.
- ~~(u)~~~~(v)~~ Section 827.05, relating to negligent treatment of children.

~~(v)~~~~(w)~~ Section 827.071, relating to sexual performance by a child.

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

~~(x)~~~~(y)~~ Chapter 847, relating to obscene literature.

~~(y)~~~~(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 child.

~~(z)~~~~(aa)~~ Section 817.563, relating to fraudulent sale of controlled substances, only 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 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.

(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), ~~(o)~~ ~~(n)~~, ~~(p)~~, (r), (s), (t), ~~(v)~~ ~~(w)~~, ~~(x)~~ ~~(y)~~, and (z), and ~~(aa)~~, and under similar laws of other jurisdictions;

39.4105 Grandparents rights.—Notwithstanding any other provision of law, a maternal or paternal grandparent as well as a step-grandparent is entitled to reasonable visitation with his or her grandchild who has been adjudicated a dependent child and taken from the physical custody of his or her parent, custodian, legal guardian, or caregiver unless the court finds that such visitation is not in the best interest of the child or that such visitation would interfere with the goals of the performance agreement pursuant to s. 39.451. Reasonable visitation may be unsupervised and, where appropriate and feasible, may be frequent and continuing.

(5) In determining whether grandparental visitation is not in the child's best interest, consideration may be given to the finding of guilt, regardless of adjudication, or entry or plea of guilty or nolo contendere to charges under the following statutes, or similar statutes of other jurisdictions: s. 787.04, relating to removing minors from the state or concealing minors contrary to court order; s. 794.011, relating to sexual battery; ~~s. 794.041, relating to prohibited acts of persons in familial or custodial authority~~; s. 798.02, relating to lewd and lascivious behavior; chapter 800, relating to lewdness and indecent exposure; or chapter 827, relating to the abuse of children. Consideration may also be given to a finding of confirmed abuse under ss. 415.101-415.113 and ss. 415.502-415.514.

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 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.~~
- ~~m.n.~~ Chapter 796, relating to prostitution.
- ~~n.o.~~ Section 798.02, relating to lewd and lascivious behavior.
- ~~o.p.~~ Chapter 800, relating to lewdness and indecent exposure.
- ~~p.q.~~ Section 806.01, relating to arson.
- ~~q.r.~~ Section 812.13, relating to robbery.
- ~~r.s.~~ Section 826.04, relating to incest.
- ~~s.t.~~ Section 827.03, relating to aggravated child abuse.
- ~~t.u.~~ Section 827.04, relating to child abuse.
- ~~u.v.~~ Section 827.05, relating to negligent treatment of children.
- ~~v.w.~~ Section 827.071, relating to sexual performance by a child.
- ~~w.x.~~ Section 415.111, relating to abuse, neglect, or exploitation of aged or disabled persons.
- ~~x.y.~~ Chapter 847, relating to obscene literature.

~~y.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.

~~z.aa.~~ Section 817.563, relating to fraudulent sale of controlled substances, only if the offense was a felony; or

(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., o. ~~n.~~, r. ~~p.~~, s., t., v. ~~u.~~, x. ~~w.~~, y., and z., and ~~aa.~~, or under any similar statute of another jurisdiction;

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.
- ~~m.n.~~ Chapter 796, relating to prostitution.
- ~~n.o.~~ Section 798.02, relating to lewd and lascivious behavior.
- ~~o.p.~~ Chapter 800, relating to lewdness and indecent exposure.
- ~~p.q.~~ Section 806.01, relating to arson.
- ~~q.r.~~ Section 812.13, relating to robbery.
- ~~r.s.~~ Section 826.04, relating to incest.
- ~~s.t.~~ Section 827.03, relating to aggravated child abuse.
- ~~t.u.~~ Section 827.04, relating to child abuse.
- ~~u.v.~~ Section 827.05, relating to negligent treatment of children.
- ~~v.w.~~ Section 827.071, relating to sexual performance by a child.
- ~~w.x.~~ Section 415.111, relating to abuse, neglect, or exploitation of aged or disabled persons.
- ~~x.y.~~ Chapter 847, relating to obscene literature.

~~y.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.

~~z.aa.~~ Section 817.563, relating to fraudulent sale of controlled substances, only if the offense was a felony;

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:

- (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 784.021, relating to aggravated assault.
- (f) Section 784.045, relating to aggravated battery.
- (g) Section 787.01, relating to kidnapping.
- (h) Section 787.02, relating to false imprisonment.
- (i) Section 787.04, relating to removing minors from the state or concealing minors 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.
- ~~(k)(l)~~ Chapter 796, relating to prostitution.
- ~~(l)(m)~~ Section 798.02, relating to lewd and lascivious behavior.
- ~~(m)(n)~~ Chapter 800, relating to lewdness and indecent exposure.
- ~~(n)(o)~~ Section 806.01, relating to arson.

- (o)(p) Section 812.13, relating to robbery.
- (p)(q) Section 826.04, relating to incest.
- (q)(r) Section 827.03, relating to aggravated child abuse.
- (r)(s) Section 827.04, relating to child abuse.
- (s)(t) Section 827.05, relating to negligent treatment of children.
- (t)(u) Section 827.071, relating to sexual performance by a child.
- (u)(v) Section 415.111, relating to abuse, neglect, or exploitation of aged or disabled persons.
- (v)(w) Chapter 847, relating to obscene literature.
- (w)(x) Section 784.011, relating to assault, if the victim of the offense was a minor.
- (x)(y) Section 784.03, relating to battery, if the victim of the offense was a minor.
- (y)(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.
- (z)(aa) Section 817.563, relating to fraudulent sale of controlled substances, only 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, 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.

(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), (m) (l), (p) (n), (q), (r), (t) (s), (v) (u), (y) (w), and (z), and (aa); or under any similar statute of another jurisdiction;

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 minors from the state or concealing minors 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.

11.12. Chapter 796, relating to prostitution.

- 12.12. Section 798.02, relating to lewd and lascivious behavior.
- 13.14. Chapter 800, relating to lewdness and indecent exposure.
- 14.16. Section 806.01, relating to arson.
- 15.16. Section 812.13, relating to robbery.
- 16.17. Section 826.04, relating to incest.
- 17.19. Section 827.03, relating to aggravated child abuse.
- 18.19. Section 827.04, relating to child abuse.
- 19.20. Section 827.05, relating to negligent treatment of children.
- 20.21. Section 827.071, relating to sexual performance by a child.
- 21.22. Section 415.11, relating to abuse, neglect, or exploitation of aged or disabled persons.
- 22.23. Chapter 847, relating to obscene literature.
- 23.24. Section 784.011, relating to assault, if the victim of the offense was a minor.
- 24.25. Section 784.03, relating to battery, if the victim of the offense was a minor.
- 25.26. 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.
- 26.27. 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.

(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., 13. 12., 16. 14., 17., 18., 20. 19., 22. 21., 25. 23., and 26., and 27.; or under any similar statute of another jurisdiction;

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:

- (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 784.021, relating to aggravated assault.
- (f) Section 784.045, relating to aggravated battery.
- (g) Section 787.01, relating to kidnapping.
- (h) Section 787.02, relating to false imprisonment.
- (i) Section 787.04, relating to removing minors from the state or concealing minors 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.

(k)~~(l)~~ Chapter 796, relating to prostitution.

(l)~~(m)~~ Section 798.02, relating to lewd and lascivious behavior.

(m)~~(n)~~ Chapter 800, relating to lewdness and indecent exposure.

(n)~~(o)~~ Section 806.01, relating to arson.

(o)~~(p)~~ Section 812.13, relating to robbery.

(p)~~(q)~~ Section 826.04, relating to incest.

(q)~~(r)~~ Section 827.03, relating to aggravated child abuse.

(r)~~(s)~~ Section 827.04, relating to child abuse.

(s)~~(t)~~ Section 827.05, relating to negligent treatment of children.

(t)~~(u)~~ Section 827.071, relating to sexual performance by a child.

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

(v)~~(w)~~ Chapter 847, relating to obscene literature.

(w)~~(x)~~ Section 784.011, relating to assault, if the victim of the offense was a minor.

(x)~~(y)~~ Section 784.03, relating to battery, if the victim of the offense was a minor.

(y)~~(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.

(z)~~(aa)~~ 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, 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.

(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), (m) ~~(l)~~, ~~(n)~~, (p), (q), (r), (t) ~~(s)~~, (v) ~~(u)~~, (y) ~~(w)~~, and (z), and ~~(aa)~~, or under any similar statute of another jurisdiction;

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:

(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 784.021, relating to aggravated assault.

(f) Section 784.045, relating to aggravated battery.

(g) Section 787.01, relating to kidnapping.

(h) Section 787.02, relating to false imprisonment.

(i) Section 787.04, relating to removing minors from the state or concealing minors 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.

(k)~~(l)~~ Chapter 796, relating to prostitution.

(l)~~(m)~~ Section 798.02, relating to lewd and lascivious behavior.

(m)~~(n)~~ Chapter 800, relating to lewdness and indecent exposure.

(n)~~(o)~~ Section 806.01, relating to arson.

(o)~~(p)~~ Section 812.13, relating to robbery.

(p)~~(q)~~ Section 826.04, relating to incest.

(q)~~(r)~~ Section 827.03, relating to aggravated child abuse.

(r)~~(s)~~ Section 827.04, relating to child abuse.

(s)~~(t)~~ Section 827.05, relating to negligent treatment of children.

(t)~~(u)~~ Section 827.071, relating to sexual performance by a child.

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

(v)~~(w)~~ Chapter 847, relating to obscene literature.

(w)~~(x)~~ Section 784.011, relating to assault, if the victim of the offense was a minor.

(x)~~(y)~~ Section 784.03, relating to battery, if the victim of the offense was a minor.

(y)~~(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.

(z)~~(aa)~~ 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, 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.

(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), (m) ~~(l)~~, ~~(n)~~, (p), (q), (r), (t) ~~(s)~~, (v) ~~(u)~~, (y) ~~(w)~~, and (z), and ~~(aa)~~, or under any similar statute of another jurisdiction;

402.305 Licensing standards; child care facilities.—

(2) PERSONNEL.—Minimum standards for child care personnel 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 minors from the state or concealing minors 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.~~
- ~~11.12.~~ Chapter 796, relating to prostitution.
- ~~12.13.~~ Section 798.02, relating to lewd and lascivious behavior.
- ~~13.14.~~ Chapter 800, relating to lewdness and indecent exposure.
- ~~14.15.~~ Section 806.01, relating to arson.
- ~~15.16.~~ Section 812.13, relating to robbery.
- ~~16.17.~~ Section 826.04, relating to incest.
- ~~17.18.~~ Section 827.03, relating to aggravated child abuse.
- ~~18.19.~~ Section 827.04, relating to child abuse.
- ~~19.20.~~ Section 827.05, relating to negligent treatment of children.
- ~~20.21.~~ Section 827.071, relating to sexual performance by a child.
- ~~21.22.~~ Section 415.111, relating to abuse, neglect, or exploitation of aged or disabled persons.
- ~~22.23.~~ Chapter 847, relating to obscene literature.
- ~~23.24.~~ Section 784.011, relating to assault, if the victim of the offense was a minor.
- ~~24.25.~~ Section 784.03, relating to battery, if the victim of the offense was a minor.
- ~~25.26.~~ 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.
- ~~26.27.~~ 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.

(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., 13. ~~12.~~, 16. 14., 17., 18., 20. ~~19.~~, 22. ~~21.~~, 25. ~~23.~~, and 26., and ~~27.~~ or under any similar statute of another jurisdiction;

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:

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 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.~~
- ~~m.n.~~ Chapter 796, relating to prostitution.
- ~~n.o.~~ Section 798.02, relating to lewd and lascivious behavior.
- ~~o.p.~~ Chapter 800, relating to lewdness and indecent exposure.
- ~~p.q.~~ Section 806.01, relating to arson.
- ~~q.r.~~ Section 812.13, relating to robbery.
- ~~r.s.~~ Section 826.04, relating to incest.
- ~~s.t.~~ Section 827.03, relating to aggravated child abuse.
- ~~t.u.~~ Section 827.04, relating to child abuse.
- ~~u.v.~~ Section 827.05, relating to negligent treatment of children.
- ~~v.w.~~ Section 827.071, relating to sexual performance by a child.
- ~~w.x.~~ Section 415.111, relating to abuse, neglect, or exploitation of aged or disabled persons.
- ~~x.y.~~ Chapter 847, relating to obscene literature.
- ~~y.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.

~~z.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.

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. 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 6.a., b., d., l., m., o. ~~n.~~, r. ~~p.~~, s., t., v. ~~u.~~, x. ~~w.~~, y., and z., and ~~aa.~~ or under similar statutes of another jurisdiction;

Section 4. For the purpose of incorporating the amendment to section 794.011, Florida Statutes, in references thereto, the sections or subdivisions of Florida Statutes set forth below are reenacted and, where indicated, amended to read:

775.15 Time limitations.—

(7) If the victim of a violation of s. 794.011, s. 794.05, s. 800.04, or s. 826.04 is under the age of 16, the applicable period of limitation, if any, does not begin to run until the victim has reached the age of 16 or the violation is reported to a law enforcement agency or other governmental agency, whichever occurs earlier. Such law enforcement agency or other governmental agency shall promptly report such allegation to the state attorney for the judicial circuit in which the alleged violation occurred. This subsection applies to any such offense except an offense the prosecution of which would have been barred by subsection (2) on or before December 31, 1984.

794.023 Sexual battery by multiple perpetrators; enhanced penalties.—

(2) The penalty for a violation of s. 794.011 shall be increased as provided in this subsection if it is charged and proven by the prosecution that, during the same criminal transaction or episode, more than one person committed an act of sexual battery on the same victim.

(a) A felony of the second degree shall be punishable as if it were a felony of the first degree.

(b) A felony of the first degree shall be punishable as if it were a life felony.

This subsection does not apply to life felonies or capital felonies.

812.172 Applicability.—

(2) For purposes of this section, the term "serious injury" means a physical condition which creates a substantial risk of death; serious personal disfigurement; or protracted loss or impairment of the function of any bodily member or organ. For the purposes of this section, the term "sexual battery" has the same meaning as described in s. 794.011.

903.133 Bail on appeal; prohibited for certain felony convictions.— Notwithstanding the provisions of s. 903.132, no person adjudged guilty of a felony of the first degree for a violation of s. 782.04(2) or (3), s. 787.01, s. 794.011(4), s. 806.01, s. 893.13, or s. 893.135, or adjudged guilty of a violation of s. 794.011(2) or (3), shall be admitted to bail pending review either by posttrial motion or appeal.

914.16 Child abuse and sexual abuse victims under age 16; limits on interviews.—The chief judge of each judicial circuit, after consultation with the state attorney and the public defender for the judicial circuit, the appropriate chief law enforcement officer, and any other person deemed appropriate by the chief judge, shall provide by order reasonable limits on the number of interviews that a victim of a violation of s. 794.011, s. 800.04, s. 827.03, or s. 827.04 who is under 16 years of age must submit to for law enforcement or discovery purposes. The order shall, to the extent possible, protect the victim from the psychological damage of repeated interrogations while preserving the rights of the public, the victim, and the person charged with the violation.

944.033 Community correctional centers; existence; location; purpose; restriction.—

(3) No person convicted of sexual battery pursuant to s. 794.011 or any other sex offense specified in s. 917.012(1) is eligible for placement in any community correctional center unless he has successfully completed a program of treatment pursuant to s. 917.012.

945.091 Extension of the limits of confinement; restitution by employed inmates.—

(3) The department may adopt regulations as to the eligibility of inmates for the extension of confinement, the disbursement of any earnings of these inmates, or the entering into of agreements between itself and any city or county or federal agency for the housing of these inmates in a local place of confinement. However, no person convicted of sexual battery pursuant to s. 794.011 or any other sex offense specified in s. 917.012(1) is eligible for any extension of the limits of confinement under this section unless he has successfully completed a program of treatment pursuant to s. 917.012.

946.40 Use of prisoners in public works.—

(4) No person convicted of sexual battery pursuant to s. 794.011 is or any other sex offense specified in s. 917.012(1) shall be eligible for any program under the provisions of this section.

951.24 Extend the limits of confinement for county prisoners.—

(2)

(c) No person convicted of sexual battery pursuant to s. 794.011 or any other sex offense specified in s. 917.012(1) is eligible for any work-release program or any other extension of the limits of confinement under this section.

958.09 Extension of limits of confinement.—

(2) The department shall adopt rules as to the eligibility of youthful offenders for such extension of confinement, the disbursement of any earnings of youthful offenders, or the entering into of agreements between the department and any municipal, county, or federal agency for the housing of youthful offenders in a local place of confinement. However, no youthful offender convicted of sexual battery pursuant to s. 794.011 is or any other sex offense specified in s. 917.012(1) shall be eligible for any extension of the limits of confinement under this section unless he has successfully completed a program of treatment pursuant to s. 917.012.

Section 5. Section 794.022, Florida Statutes, 1990 Supplement, is amended to read:

794.022 Rules of evidence.—

(1) The testimony of the victim need not be corroborated in a prosecution under s. 794.011 or s. 794.041.

(2) Specific instances of prior consensual sexual activity between the victim and any person other than the offender shall not be admitted into evidence in a prosecution under s. 794.011 or s. 794.041. However, such evidence may be admitted if it is first established to the court in a proceeding in camera that such evidence may prove that the defendant was not the source of the semen, pregnancy, injury, or disease; or, when consent by the victim is at issue, such evidence may be admitted if it is first established to the court in a proceeding in camera that such evidence tends to establish a pattern of conduct or behavior on the part of the victim which is so similar to the conduct or behavior in the case that it is relevant to the issue of consent.

(3) Notwithstanding any other provision of law, reputation evidence relating to a victim's prior sexual conduct or evidence presented for the purpose of showing that manner of dress of the victim at the time of the offense incited the sexual battery shall not be admitted into evidence in a prosecution under s. 794.011 or s. 794.041.

(4) *When consent of the victim is a defense to prosecution under s. 794.011, evidence of the victim's mental incapacity or defect is admissible to prove that the consent was not intelligent, knowing, or voluntary; and the court shall instruct the jury accordingly.*

Section 6. For the purpose of incorporating the amendment to section 794.022, Florida Statutes, in a reference thereto, the subdivision of Florida Statutes set forth below is reenacted to read:

904.04 Character evidence; when admissible.—

(1) CHARACTER EVIDENCE GENERALLY.—Evidence of a person's character or a trait of his character is inadmissible to prove that he acted in conformity with it on a particular occasion, except:

(b) Character of victim.—

1. Except as provided in s. 794.022, evidence of a pertinent trait of character of the victim of the crime offered by an accused, or by the prosecution to rebut the trait; or

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, lines 1 and 2, strike all of said lines and insert: A bill to be entitled An act relating to sexual battery; amending s. 794.011, F.S.; providing a definition and providing technical changes; deleting an evidentiary provision and incorporating into the sexual battery section the substance of s. 794.041, F.S., relating to the offense of sexual activity with a child by or at solicitation of a person in familial or custodial authority

and deleting an age minimum for the solicitation offense; repealing s. 794.041, F.S.; reenacting and amending ss. 39.001(3)(b), 39.076(3) and (5)(a), 39.4105(5), 110.1127(3)(a)1. and (3)(b)1.a., 242.335(3)(a)1., 393.0655(1) and (3)(a)1., 394.457(6)(a) and (6)(c)1.a., 396.0425(1) and (3)(a)1., 397.0715(1) and (3)(a)1., 402.305(2)(a) and (2)(c)1.a., and 409.175(4)(a)6. and (4)(a)8.a.(I), F.S., relating to juvenile program personnel screening, grandparental visitation, employee security checks, and personnel screening for the Florida School for the Deaf and the Blind, developmental disabilities caretakers, mental health and substance abuse treatment personnel, and child care and family foster home personnel, to incorporate the amendments to ss. 794.011 and 794.041, F.S., in references thereto, and to conform to said amendments; reenacting ss. 775.15(7), 794.023(2), 812.172(2), 903.133, 914.16, 944.033(3), 945.091(3), 946.40(4), 951.24(2)(c), and 958.09(2), F.S., relating to time limitations, sexual battery by multiple perpetrators, convenience store security, bail on appeal, sexual abuse victims under age 16, community correctional centers, use of prisoners in public works, and extensions of limits of confinement for inmates, to incorporate the amendment to s. 794.011, F.S., in references thereto; amending s. 794.022, F.S., to incorporate and conform to the amendments to ss. 794.011 and 794.041, F.S.; adding an evidentiary provision, and reenacting s. 90.404(1)(b)1., F.S., relating to character evidence, to incorporate said amendment in a reference thereto; amending s.

On motion by Senator Crotty, the Senate refused to concur in the House amendment and the House was requested to recede. The action of the Senate was certified to the House.

The Honorable Gwen Margolis, President

I am directed to inform the Senate that the House of Representatives has passed with amendment SB 932 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 932—A bill to be entitled An act relating to road designations; designating a portion of State Road 89 as "Whiting Field Boulevard"; directing the Department of Transportation to erect suitable markers; providing an effective date.

House Amendment 1 (with Title Amendment)—Strike every-thing after the enacting clause and insert:

Section 1. *That portion of State Road 89 (the By-Pass) between State Road 10 and County Road 87A at the entrance to Whiting Field U.S. Naval Air Station in Santa Rosa County is hereby designated as "Whiting Field Boulevard."*

Section 2. *The Department of Transportation is directed to erect suitable markers designating "Whiting Field Boulevard."*

Section 3. *U.S. Highway 441 from its junction with U.S. 27 in Miami northward to N.W. 54th Street and from N.W. 62nd Street to N.W. 119th Street is hereby designated as the "Gwen Cherry Highway."*

Section 4. *The Department of Transportation is directed to erect suitable markers designating the "Gwen Cherry Highway."*

Section 5. *U.S. Highway 441 in Miami from N.W. 119th Street to the Golden Glades Interchange is hereby designated as the "Elaine Gordon Highway."*

Section 6. *The Department of Transportation is directed to erect suitable markers designating the "Elaine Gordon Highway." However, no state funds may be used to produce and erect the markers designating the "Elaine Gordon Highway."*

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

And the title is amended as follows:

Strike the entire title and insert: A bill to be entitled an act relating to road designations; designating a portion of State Road 89 as "Whiting Field Boulevard"; directing the Department of Transportation to erect suitable markers; designating a portion of U.S. 441 as the "Gwen Cherry Highway"; directing the Department of Transportation to erect suitable markers; designating a portion of U.S. 441 as the "Elaine Gordon Highway"; directing the Department of Transportation to erect suitable markers; providing a prohibition on the use of state funds; providing an effective date.

Senator Meek moved the following amendment which was adopted:

Senate Amendment 1 (with Title Amendment) to House Amendment 1 (with Title Amendment)—On page 1 of the amendment, between lines 19 and 20, insert:

Section 3. Northwest Seventh Avenue from 54th Street to 62nd Street (M.L. King Boulevard) in Miami is designated Essie Silva Way.

Section 4. The Department of Transportation is directed to erect suitable markers at each end of Essie Silva Way indicating this designation.

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 2 of House Amendment 1, line 17, after the semicolon (;) insert: naming a portion of Northwest Seventh Avenue in Miami in memory of Essie Silva; directing the Department of Transportation to erect suitable markers;

On motion by Senator Childers, the Senate concurred in the House amendment as amended and the House was requested to concur in the Senate amendment to the House amendment.

SB 932 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—40 Nays—None

The Honorable Gwen Margolis, President

I am directed to inform the Senate that the House of Representatives has refused to recede from House Amendment 1 to CS for SB 1384 and has acceded to the request of the Senate for the appointment of a Conference Committee.

The Speaker of the House of Representatives has appointed Representatives Wallace (Chair), Cosgrove (Vice Chair), Burke, Deutsch, Mackey, Bo Johnson, Mackenzie, Lombard, Boyd, Garcia, Logan; Representatives Daryl Jones and Lippman, at large; as conferees on the part of the House.

John B. Phelps, Clerk

RETURNING MESSAGES ON HOUSE BILLS

The Honorable Gwen Margolis, President

I am directed to inform the Senate that the House of Representatives has passed HB 1273 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representative Deutsch—

HB 1273—A bill to be entitled An act relating to juvenile offenders; amending s. 39.0255, F.S.; revising a reporting requirement for a juvenile who is issued a civil citation by a law enforcement officer; providing an effective date.

On motions by Senator Jenne, by unanimous consent **HB 1273** was taken up out of order and by two-thirds vote was read the second time by title, and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

RETURNING MESSAGES—FINAL ACTION

The Honorable Gwen Margolis, President

I am directed to inform the Senate that the House of Representatives has passed SB 836 and SB 1360.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered enrolled.

ROLL CALLS ON SENATE BILLS

SB 28

Yeas—37

Madam President	Diaz-Balart	Johnson
Bankhead	Dudley	Kiser
Beard	Forman	Kurth
Burt	Gardner	Langley
Casas	Girardeau	Malchon
Childers	Gordon	McKay
Crenshaw	Grant	Meek
Crotty	Grizzle	Myers
Dantzler	Jenne	Plummer
Davis	Jennings	Scott

Nays—1

Bruner

SB 222

Yeas—35

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

Nays—1

Plummer

Vote after roll call:

Yea—Childers, Souto, Thomas

SB 310

Yeas—33

Madam President	Davis	Jenne	Myers
Bankhead	Diaz-Balart	Jennings	Souto
Beard	Dudley	Johnson	Thurman
Bruner	Forman	Kirkpatrick	Walker
Burt	Gardner	Kiser	Weinstock
Casas	Girardeau	Langley	Wexler
Crenshaw	Gordon	Malchon	
Crotty	Grant	McKay	
Dantzler	Grizzle	Meek	

Nays—1

Scott

Vote after roll call:

Yea—Childers, Kurth

Nay to Yea—Scott

CS for SB 316

Yeas—35

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

Nays—None

CS for SB 550

Yeas—31

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

Nays—None

Vote after roll call:

Yea—Grant

CS for SB 592

Yeas—38

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

Nays—None

SB 594

Yeas—38

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

Nays—None

SB 718

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Davis

CS for SB 720

Yeas—30

Madam President	Dantzler	Johnson	Souto
Bankhead	Davis	Kurth	Thurman
Beard	Diaz-Balart	Langley	Weinstein
Bruner	Forman	Malchon	Weinstock
Burt	Gordon	McKay	Wexler
Casas	Grant	Meek	Yancey
Childers	Grizzle	Myers	
Crotty	Jenne	Plummer	

Nays—1

Dudley

Vote after roll call:

Yea—Jennings

SB 730

Yeas—35

Bankhead	Davis	Jenne	Plummer
Beard	Diaz-Balart	Jennings	Scott
Bruner	Dudley	Johnson	Souto
Burt	Forman	Kirkpatrick	Thomas
Casas	Gardner	Kiser	Thurman
Childers	Girardeau	Kurth	Walker
Crenshaw	Gordon	Langley	Weinstein
Crotty	Grant	Meek	Weinstock
Dantzler	Grizzle	Myers	

Nays—None

CS for SB 876—Amendment 10

Yeas—16

Madam President	Girardeau	Johnson	Thurman
Beard	Gordon	Malchon	Walker
Casas	Grizzle	Meek	Weinstock
Davis	Jenne	Souto	Wexler

Nays—15

Bankhead	Dantzler	Jennings	McKay
Bruner	Dudley	Kiser	Myers
Burt	Forman	Kurth	Yancey
Crotty	Gardner	Langley	

**CS for SB 876
Amendment 10—After Reconsideration**

Yeas—10

Beard	Girardeau	Plummer	Weinstock
Casas	Gordon	Thomas	
Davis	Meek	Thurman	

Nays—20

Bankhead	Dantzler	Jennings	Malchon
Bruner	Diaz-Balart	Johnson	Myers
Burt	Dudley	Kiser	Scott
Crenshaw	Forman	Kurth	Wexler
Crotty	Gardner	Langley	Yancey

Vote after roll call:

Yea—Souto

CS for SB 876

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Childers

SB 932

Yeas—40

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

Nays—None

CS for CS for SB 1026

Yeas—35

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

Nays—1

Bruner

Vote after roll call:

Yea—Girardeau

Yea to Nay—Dantzler

CS for CS for SB 1062

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Childers

CS for SB 1118

Yeas—20

Bankhead	Dudley	Jennings	Myers
Bruner	Forman	Johnson	Plummer
Casas	Girardeau	Kiser	Weinstein
Childers	Grizzle	Kurth	Weinstock
Diaz-Balart	Jenne	Langley	Wexler

Nays—13

Beard	Gardner	McKay	Walker
Burt	Gordon	Scott	
Crotty	Grant	Thomas	
Dantzler	Kirkpatrick	Thurman	

Vote after roll call:

Yea—Davis, Souto

CS for SB 1148

Yeas—39

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

Nays—None

SB 1158

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Childers

SB 1180

Yeas—37

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

Nays—None

CS for CS for SB 1280

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Bruner, Childers

CS for SB 1354

Yeas—34

Madam President	Childers	Davis	Gardner
Beard	Crenshaw	Diaz-Balart	Girardeau
Burt	Crotty	Dudley	Gordon
Casas	Dantzler	Forman	Grant

Grizzle	Kiser	Myers	Walker
Jenne	Langley	Scott	Weinstock
Jennings	Malchon	Souto	Wexler
Johnson	McKay	Thomas	
Kirkpatrick	Meek	Thurman	

Nays—1

Bruner

Vote after roll call:

Yea—Kurth

SB 1516

Yeas—34

Madam President	Forman	Kirkpatrick	Thomas
Bankhead	Gardner	Kiser	Thurman
Beard	Girardeau	Kurth	Walker
Childers	Gordon	Langley	Weinstein
Crenshaw	Grant	Malchon	Weinstock
Crotty	Grizzle	McKay	Wexler
Dantzler	Jenne	Meek	Yancey
Davis	Jennings	Myers	
Dudley	Johnson	Scott	

Nays—3

Casas Diaz-Balart Souto

Vote after roll call:

Yea—Bruner, Plummer

CS for SB 2022

Yeas—39

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

Nays—None

CS for SB 2308—After Reconsideration

Yeas—35

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

Nays—1

Bruner

Vote after roll call:

Yea—Plummer

Nay to Yea—Bruner

ROLL CALLS ON HOUSE BILLS

HB 405

Yeas—37

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

Nays—None

CS for HB 429

Yeas—39

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

Nays—None

HB 1273

Yeas—39

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

Nays—None

HB 2275

Yeas—37

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

Nays—None

ENROLLING REPORTS

Senate Bills 890, 1182, 1212, 1220, 1264, 1320, 1654, 2420 and 2432 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on February 26, 1992.

Joe Brown, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journal of February 25 was corrected and approved.

CO-SPONSORS

Senator Grant—CS for SB 756, SB 972, SB 2236; Senator Forman—SB 932; Senators Thurman, Jenne—CS for SB 2288

RECESS

On motion by Senator Thomas, the Senate recessed at 12:01 p.m. for the purpose of holding committee meetings and conducting other Senate business until 10:00 a.m., Tuesday, March 3 or upon call of the President.

CALL TO ORDER

The Senate was called to order by the President at 12:05 p.m. A quorum present—32:

Madam President	Forman	Kirkpatrick	Plummer
Bankhead	Gardner	Kiser	Scott
Beard	Girardeau	Kurth	Thomas
Bruner	Gordon	Langley	Thurman
Burt	Grizzle	Malchon	Weinstein
Crenshaw	Jenne	McKay	Weinstock
Crotty	Jennings	Meek	Wexler
Dantzler	Johnson	Myers	Yancey

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Gardner, by two-thirds vote CS for SB 288, SB 344, SB 348, CS for SB 404, SB 548, CS for SB 754, SB 896, CS for SB 968, SB 1008, CS for SB 1064, CS for CS for SB 1134, SB 1312, SB 1370, SB 1374, CS for SB 1396, CS for SB 1648, SB 1674, CS for SB 1706, CS for SB 1712, CS for SB 2000, SB 2042, SB 2104, CS for SB 2108, CS for SB 2114, SB 2164, CS for SB 2278 and CS for SB 2282 were withdrawn from the Committee on Appropriations.

On motion by Senator Forman, by two-thirds vote CS for SB 1726 was referred next to the Committee on Transportation.

On motion by Senator Jenne, by two-thirds vote CS for SB 1268 was withdrawn from the Committee on Finance, Taxation and Claims.

RECESS

On motion by Senator Thomas, the Senate recessed at 12:11 p.m. for the purpose of holding committee meetings and conducting other Senate business until 10:00 a.m., Tuesday, March 3 or upon call of the President.