



Journal of the Senate

Number 8

Wednesday, March 16, 1994

CALL TO ORDER

The Senate was called to order by the President at 9:00 a.m. A quorum present—40:

Mr. President	Dantzler	Hargrett	Meadows
Bankhead	Diaz-Balart	Holzendorf	Myers
Beard	Dudley	Jenne	Scott
Boczar	Dyer	Jennings	Siegel
Brown-Waite	Foley	Johnson	Silver
Burt	Forman	Jones	Sullivan
Casas	Grant	Kirkpatrick	Turner
Childers	Grogan	Kiser	Weinstein
Crenshaw	Gutman	Kurth	Wexler
Crist	Harden	McKay	Williams

PRAYER

The following prayer was offered by Father James Hoge, Pastor Emeritus, St. Benedict Catholic Church, Crystal River:

Lord, God of all, we ask your blessing upon this assemblage of our Senators of this fair state. May their work serve you well. We address you, in behalf of these the keepers of the public trust of the people of this state, the children and their education and moral upbringing and in behalf of the trees, the birds of the air, the beasts of the fields, the fishes of the sea for they all depend upon our concern, the concern of our good Senators and their good judgment.

You have rested upon us a great responsibility as your agents on this planet and in this fair land of ours. May we—and especially your Senators—serve you well and guard well the needs and the rights of our people and the creatures and resources in our realm. Hallowed be thy name! Amen.

PLEDGE

Senate Pages, Kelly Marcus of North Palm Beach and Daniel G. Melzer of Chattahoochee, led the Senate in the pledge of allegiance to the flag of the United States of America.

CONSIDERATION OF RESOLUTIONS

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

By Senator Thomas—

SR 3094—A resolution commending the Freemasons and Joseph C. Fowler, Grand Master of Florida.

WHEREAS, Freemasonry is the largest fraternal organization in the world, with almost three million members in the United States, over 700,000 members in Britain, and a million more around the world, and

WHEREAS, Freemasonry was transplanted to the American colonies by English and Irish Masons during the early decades of the 18th century, and, as early as 1734, Benjamin Franklin was the Grand Master of Masons in Pennsylvania, and

WHEREAS, Joseph C. Fowler, Grand Master of Florida, serves as leader of the nearly 100,000 Florida Masons and more than 500,000 Masons from across the country and around the world who sojourn in this state, and

WHEREAS, since the inception of this country, Freemasons have furnished substantial lasting contributions to the nation, its people, and its way of life, and

WHEREAS, it is fitting and appropriate that the Florida Senate pause in its deliberations to honor Freemasonry and Joseph C. Fowler for their contributions to the state, NOW, THEREFORE,

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

That the Florida Senate commends the Freemasons of Florida for their contributions to this state, and commends Joseph C. Fowler for his leadership as Grand Master of Freemasonry in Florida in 1994.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Joseph C. Fowler, Grand Master of Florida, as a tangible token of the sentiments of the Florida Senate.

On motion by Senator Childers, **SR 3094** was read by title and was read the second time in full and adopted.

On motion by Senator Grogan, by unanimous consent—

By Senators Grogan, Siegel and Dyer—

SR 3088—A resolution commending the St. Cloud High School Lady Bulldogs Basketball Team as the Class AAAA Girls State Champions.

WHEREAS, each year there is a Girls State Basketball Championship competition to determine the best team for each school class, and

WHEREAS, by a margin of 51 to 44, the St. Cloud High School Lady Bulldogs Basketball Team defeated Ft. Lauderdale St. Thomas Aquinas to become the winners in the Class AAAA Girls State Championship for the 1993-1994 season, and

WHEREAS, Coach Danny Rea Smith and Assistant Coach Rick Lorraine coached seniors Chris Hensel, Mary Beth Korte, Brandy Millington, Dana Smith, and Jaime Wentzell and teammates Andrea Anderson, Amy Barberi, Shannon Blandford, Jacquelyn Brown, Marilyn Brown, Christina Dawkins, and Anne Elisa Murray through their most successful season, and

WHEREAS, Dana Smith, who established a new state scoring record for men and women with a career total of 3,469 points and scored 28 points during the championship game, was named All-American and Class AAAA Player of the Year, and Chris Hensel, who maintained a 4.0 grade point average, was named the Florida Athletic Coaches Association AAAA Scholar Athlete of the Year, and

WHEREAS, the Lady Bulldogs set a school record for most victories in a single season, garnering 36 wins to make theirs the only high school basketball team to win 30 or more games over four consecutive seasons, NOW, THEREFORE,

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

That the Florida Senate commends Coach Danny Rea Smith, Assistant Coach Rick Lorraine, and the St. Cloud High School Lady Bulldogs Basketball Team for their accomplishment of winning the Class AAAA Girls State Basketball Championship.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the players and coaches of the St. Cloud High School Lady Bulldogs Basketball Team as a tangible token of the sentiments of the Florida Senate.

—was introduced out of order and read by title. On motion by Senator Grogan, **SR 3088** was read the second time in full and adopted.

On motion by Senator Kurth, by two-thirds vote **SR 1486** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Kurth—

SR 1486—A resolution to celebrate the month of March 1994 as Irish-American Heritage Month.

WHEREAS, by 1776 nearly 300,000 natives of Ireland had emigrated to the colonies that would become the United States, and

WHEREAS, following the victory over the English at Yorktown, a French major general reported that the Congress owed its existence, and America possibly owed its preservation to the fidelity of the Irish, and

WHEREAS, at least eight signers of the Declaration of Independence were of Irish origin, and

WHEREAS, eighteen Presidents have proudly proclaimed their Irish-American heritage, and

WHEREAS, in 1782, Commodore Oliver Perry, an Irish-American achieved his major naval victory in the Battle of Lake Erie, and

WHEREAS, in 1792, Irish-born James Hoban and Irish immigrants assisted in the construction of the United States Capitol, and

WHEREAS, on June 14, 1794, Irish-born John Barry was the first naval hero of the American Revolution and became Commander-in-Chief of the United States Navy, and

WHEREAS, Captain John Barry fought the last sea battle of the Revolutionary War off the coast of Florida and saved the United States Treasury, and

WHEREAS, in 1943, the Sullivan brothers gave their lives for democracy and freedom, heroism later commemorated by the commissioning of the destroyer USS Sullivan in their memory, and

WHEREAS, Irish-Americans have provided leadership in the political, business, and religious life of this country since its inception, and

WHEREAS, the Ancient Order of Hibernians, a national, state, and county organization, was established to celebrate Irish-American heritage and comprises over 200 members throughout this state, and

WHEREAS, Irish-Americans continue to provide leadership in this state, NOW, THEREFORE,

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

That the month of March 1994 be celebrated as Irish-American Heritage Month.

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

On motion by Senator Williams, by two-thirds vote **SR 2084** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Williams—

SR 2084—A resolution honoring John Lavelle McMullen of Live Oak.

WHEREAS, John Lavelle "J.L." McMullen is a seasoned leader who has unselfishly served his country, state, county, and city of domicile, and

WHEREAS, Mr. McMullen began life as the son of a poor farmer near Wellborn and ended his career as president of his own food-processing company, and

WHEREAS, in the interim, Mr. McMullen touched the lives of countless people with his vision and transforming leadership, and

WHEREAS, Mr. McMullen was born January 12, 1914, and was the oldest of seven surviving children, and

WHEREAS, his family caused Mr. McMullen to develop a strong sense of purpose and balance that has served him well throughout his life, and

WHEREAS, Mr. McMullen earned his own livelihood from an early age, by raising and selling cotton, by working in a drugstore in White Springs, and by driving a school bus while attending high school, and

WHEREAS, Mr. McMullen's education consisted of attending a one-room schoolhouse near Wellborn, graduating from Jasper High School, and attending the University of Florida and Haddock's Florida Business University, and

WHEREAS, in 1933, at the age of 18, Mr. McMullen accepted the position of deputy county clerk and was paid \$30 per month, and

WHEREAS, to better himself financially, Mr. McMullen later accepted the position of head bookkeeper and assistant cashier at the First Commercial Bank of Live Oak, and

WHEREAS, while attending National Guard Camp in July 1934, Mr. McMullen met Kathryn "Kitty" M. McCarn, and in 1935 they married and resided in a two-room apartment in Live Oak, and

WHEREAS, at age 22, Mr. McMullen campaigned for and won election as clerk of the circuit court and, until very recently, had the distinction of having been the youngest elected county official in the United States, and

WHEREAS, before he retired after serving three terms as clerk, Mr. McMullen developed a clerk's manual that has since been adopted by many other clerks and installed an advanced abstract system and the first photocopying system in a county clerk's office in a small county, and

WHEREAS, in 1945, Mr. McMullen purchased the cold storage operations of H. E. Leech and organized McMullen Food Bank, Inc., which operated for 37 years, and

WHEREAS, his operation started as a cold storage facility to help people who did not have home-freezer space, and

WHEREAS, he realized the market potential outside Suwannee County for white acre peas, and

WHEREAS, his company expanded into canning and freezing food products, and his products, which included boiled peanuts, were sold largely in Florida through Winn Dixie, Publix, Food Fair, and other supermarkets, and

WHEREAS, Mr. McMullen viewed his business as a way of helping local farmers expand their production and of providing jobs in a small community, and

WHEREAS, Mr. McMullen has been recognized for his many civic activities, including Suwannee County Man of the Year, the recipient of the Suwannee County Chamber of Commerce's Trailblazer Award, a founder, trustee, and treasurer of the Sheriffs Boys Ranch and Girls Villa, and a recipient of the Golden Star Award, the highest honor conferred by the Florida Sheriffs Youth Ranches, and

WHEREAS, Mr. McMullen was an active Jaycee on the local, state, and national levels and was inducted into its Hall of Leadership which honors former members who exhibit outstanding leadership qualities and service to the organization by continuing leadership roles after ending formal Jaycee involvement, and

WHEREAS, most recently, Mr. McMullen was a co-founder of the Suwannee River Valley Growers Association, Inc., a five-county nonprofit association that supports area farmers in their efforts to increase agricultural production and sales, NOW, THEREFORE,

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

That this legislative body does pause in its deliberations to pay its respects to John Lavelle McMullen in recognition of his service as an outstanding civic, government, and business leader.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Mr. McMullen 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.

On motion by Senator Jennings, by unanimous consent—

By Senator Jennings—

SR 3032—A resolution recognizing the Florida Association of Realtors' 1994 Legislative Days and commending James R. Kasper as President of the Florida Association of Realtors for 1994.

WHEREAS, the Florida Association of Realtors, the state's largest professional trade association, was founded in 1916 to advocate private property rights and the freedom to own and use real property, and

WHEREAS, the Florida Association of Realtors advocates professionalism, ethics, and the improvement of its members' skills and abilities and involves its members in governmental advocacy by annually sponsoring Legislative Days' activities, and

WHEREAS, the Florida Association of Realtors annually sponsors a contingent of real estate professionals to discuss with legislators issues vital to the preservation of private property rights, including the right to own, use, and transfer real property, and

WHEREAS, James R. Kasper, the current President of the Florida Association of Realtors, has been a real estate professional for 39 years and is representative of the 65,000 members who serve on the 87 local boards and associations of realtors throughout the state, and

WHEREAS, James R. Kasper is an active community leader in the United Methodist church, the Boy Scouts, and other community services in Orlando and embodies the finest spirit and tradition of professional trade associations and the professionalism of the real estate industry, NOW, THEREFORE,

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

That the Florida Senate recognizes March 15 and 16, 1994, as Realtor Legislative Days and commends the Florida Association of Realtors and President James R. Kasper for its continuing activities to inform and educate the Legislature and the public regarding the right to own, use, and transfer real property.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be transmitted to the Florida Association of Realtors and to James R. Kasper as a tangible token of the sentiments of the Florida Senate.

—was introduced out of order and read by title. On motion by Senator Jennings, **SR 3032** was read the second time in full and adopted.

SPECIAL GUEST

Senator Jennings introduced the following guest who was seated in the chamber: James R. Kasper, State President, Florida Association of Realtors.

Upon request of the President, Senator Jennings escorted the guest to the rostrum where he was presented a copy of the resolution.

On motion by Senator Weinstein, by unanimous consent—

By Senator Weinstein—

SR 3044—A resolution commending the American Legion and Coral Springs Post 178 on the 75th anniversary of the founding of the American Legion.

WHEREAS, the American Legion is the largest veterans organization in the United States, and

WHEREAS, the American Legion celebrates the 75th anniversary of its founding on March 15-17, 1994, and

WHEREAS, more than 3 million dedicated American Legion members serve this country in a variety of admirable and honorable causes, and

WHEREAS, important community programs such as American Legion Boys State, Baseball, and Scholarships, have positively impacted children and families in communities across the nation, and

WHEREAS, the exceptional volunteer spirit of the American Legion is epitomized by the dedicated men and women of Coral Springs Post 178, and

WHEREAS, the members of the American Legion both individually and collectively demonstrate daily an unwavering commitment to outstanding public service, and

WHEREAS, this outstanding commitment and volunteer spirit of the American Legion is deserving of recognition, NOW, THEREFORE,

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

That the Florida Senate commends the American Legion and the members of Coral Springs Post 178 on the 75th anniversary of the founding of the American Legion and for their untiring community spirit, volunteerism, and dedication to their country, their state, and their community.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the Coral Springs Post 178 of the American Legion as a tangible token of the sentiments of the Florida Senate.

—was introduced out of order and read by title. On motion by Senator Weinstein, **SR 3044** was read the second time in full and adopted.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Weinstein, by two-thirds vote **Senate Bills 1274** and **1172** were withdrawn from the committees of reference and further consideration.

On motion by Senator Grant, by two-thirds vote **SB 2644** was withdrawn from the committees of reference and further consideration.

On motions by Senator Wexler, by two-thirds vote **Senate Bills 398** and **2448** were withdrawn from the Committee on Finance, Taxation and Claims.

On motions by Senator Forman, by two-thirds vote **SB 656** was withdrawn from the committees of reference and further consideration.

Senator Dudley moved that **SB 484** be withdrawn from the Committee on Governmental Operations, pursuant to Rule 2.14. The President referred the motion to Senator Kirkpatrick, Chairman of the Committee on Rules and Calendar, for recommendation.

On motions by Senator Kirkpatrick, by two-thirds vote **CS for SB 2592** was withdrawn from the Committee on Education and **CS for SB 1728** was withdrawn from the Committee on Community Affairs.

On motion by Senator Wexler, by two-thirds vote **SB 2598** was withdrawn from the Committee on Finance, Taxation and Claims.

On motions by Senator Kirkpatrick, by two-thirds vote **CS for SB 2044** was withdrawn from the Committees on Finance, Taxation and Claims; and Personnel, Retirement and Collective Bargaining; and referred to the Committees on Personnel, Retirement and Collective Bargaining; and Finance, Taxation and Claims.

On motions by Senator Turner, by two-thirds vote **Senate Bills 156, 256** and **1604** were withdrawn from the committees of reference and further consideration.

On motions by Senator Crenshaw, by two-thirds vote **Senate Bills 72, 202, 204, 260, 308** and **650, CS for SB 1056, CS for SB 1334, CS for SB 1762, CS for SB 1784, SB 1836** and **CS for SB 1992** were withdrawn from the Committee on Appropriations.

LOCAL BILLS

SENATOR SILVER PRESIDING

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

SB 2932—A bill to be entitled An act relating to Manatee County; amending ch. 91-412, Laws of Florida, relating to the Manatee County Environmental Protection Act; amending the definition section; requiring an economic impact statement for regulations of the commission; amending the requirements for rulemaking and for violations of the act; authorizing the commission to adopt fees for operation of the commission; amending provisions relating to the administrative appeal process; authorizing the environmental director and his agents to obtain administrative inspection warrants when permission to inspect is refused or withdrawn; providing for severability; providing for review and repeal; providing an effective date.

—was read the second time by title and by two-thirds vote read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

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

SB 2938—A bill to be entitled An act relating to Clay County Hospital Authority; amending chapter 30280, Laws of Florida, 1955, as amended; repealing provisions relating to care of charity, Medicaid, and indigent patients with respect to sale, transfer, or lease agreement of the authority; providing an effective date.

—was read the second time by title and by two-thirds vote read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

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

SB 2940—A bill to be entitled An act relating to the City of Jacksonville; amending s. 17.06 of chapter 92-341, Laws of Florida, as amended, being the Charter of the City of Jacksonville, so as to clarify the exemptions provided by the charter to designated employees; providing an effective date.

—was read the second time by title and by two-thirds vote read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

Consideration of **Senate Bills 2944 and 2946** was deferred.

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

SB 2950—A bill to be entitled An act relating to Highlands County; dissolving the Sebring Utilities Commission, ratifying and approving the resolution of said commission adopting a plan of dissolution, and repealing chapter 23535, Laws of Florida, 1945, as amended; providing for the winding up of current affairs, payment of current bills, and disposition of assets of the Sebring Utilities Commission; providing an effective date.

—was read the second time by title and by two-thirds vote read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

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

SB 2952—A bill to be entitled An act relating to the Central Broward Drainage District, Broward County; amending chapters 61-1439 and 91-350, Laws of Florida; providing for an increase in the allowable compensation for the board of commissioners of the district; providing for the creation, appointment, and duties of the position of district manager and deletion of the position of chief engineer; providing that the district manager shall transmit designated estimates and reports to the board of commissioners and correcting a provision relating to property assessed by the district which has been impliedly superseded; deleting obsolete provisions to provide for scheduling of public hearings on the district's budget in accordance with current requirements of Florida Law and to improve the clarity of the section; providing that the stated duties of the chief engineer shall be performed by the district's engineer and manager; providing for an increase in the amount that the District can enter into a contract for without having to advertise for bids; providing that this act shall take precedence over any conflicting law to the extent of such conflict; providing for severability; providing an effective date.

—was read the second time by title and by two-thirds vote read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

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

SB 2954—A bill to be entitled An act relating to the Cities of Lauderhill and Plantation, Broward County; placing five parcels of land within the corporate limits of the City of Plantation into the City of Lauderhill and placing one parcel of land presently in the City of Lauderhill into the City of Plantation, to redefine each city's common boundaries; providing an effective date.

—was read the second time by title and by two-thirds vote read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

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

SB 2956—A bill to be entitled An act relating to Broward County; providing for the Sheriff of Broward County to authorize municipal officers to engage in law enforcement activities on an extrajurisdictional basis; requiring the municipal officers to follow certain procedures while engaged in such activities; providing for the delegation of responsibilities, immunities, training, and supervision on a departmental basis; providing an effective date.

—was read the second time by title and by two-thirds vote read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

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

SB 2958—A bill to be entitled An act relating to North Lauderdale Water Control District, Broward County; amending chapter 63-661, Laws of Florida, as amended; increasing membership of the Board of Supervisors of North Lauderdale Water Control District to include two additional members appointed by the City Council of the City of North Lauderdale within 30 days after this act becomes a law, for terms of 2 years and as otherwise provided for in this act; authorizing members to be city council members or their designees; providing for meetings of the board of supervisors to occur not less than 4 times per year to conduct and to transact the business of the district; providing an effective date.

—was read the second time by title and by two-thirds vote read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

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

SB 2960—A bill to be entitled An act relating to the Port Everglades District and the Port Everglades Authority in Broward County; providing for legislative intent; providing for definitions; providing for a port jurisdictional area; specifying certain operational powers, duties, and obligations of Broward County in the port jurisdictional area; providing for franchises and permits to do business; providing for regulations for cargo handling, ship operations and movements, and terminal operations; providing for construction and implementation of county powers, duties, and obligations; providing an effective date.

—was read the second time by title and by two-thirds vote read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

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

SB 2962—A bill to be entitled An act relating to the Pine Tree Water Control District, Broward County; amending ch. 85-391, Laws of Florida, as amended; requiring the board of supervisors of the district to meet at least once every month to conduct the business of the district provided

that items to be considered have been submitted 14 days before the meeting; authorizing the district manager to cancel the monthly meeting; prescribing compensation for members of the board of supervisors; requiring a member of the City of Coral Springs City Commission or the City of Parkland City Commission that resides in the district to be appointed to the board of supervisors and requiring each supervisor appointed by either city to reside in the district; providing an effective date.

—was read the second time by title and by two-thirds vote read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

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

SB 2966—A bill to be entitled An act relating to Broward County Education, Research, and Training Authority; providing for the creation of an independent special district; stating the purpose of the authority; providing definitions; providing for creation of the authority and membership thereof; providing powers of the authority; providing for payment of expenses; providing for acquisition of real property; prohibiting the pledge of state or political subdivision credit; providing for reporting requirements; providing for ending the powers and dissolution of authority; requiring financial disclosure; assigning responsibility for providing planning requirements; providing an effective date.

—was read the second time by title and by two-thirds vote read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

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

SB 2968—A bill to be entitled An act relating to Manatee County; specifying areas to be affected by this act; providing definitions and authorizing the Board of County Commissioners to adopt definitions; authorizing the board to adopt, amend, and rescind codes for all types of construction, for establishing minimum building elevations to prevent flooding, and for certain condemnations; providing for permit and inspection fees and disposition thereof; authorizing the board to hire and pay certain employees; authorizing inspections; providing relief from personal liability; requiring appointment of one or more trades boards to license, regulate, and discipline licensed trades persons with expert technical knowledge and to discipline and penalize unlicensed individuals involved in trades for which licensing is required; providing penalties; validating all codes, ordinances, orders, or resolutions previously adopted; providing for severability; repealing conflicting local laws, and validating codes, regulations, permits, and licenses adopted or approved under such local laws; providing for future repeal of this act; authorizing adoption of the provisions of this act under home rule powers; repealing chapters 63-1600 and 87-488, Laws of Florida; providing intent; providing effective dates.

—was read the second time by title and by two-thirds vote read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

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

SB 2970—A bill to be entitled An act relating to the Pinellas Sun-coast Transit Authority created by chapter 70-907, Laws of Florida, as amended; providing said Authority be subject to a performance audit on a regularly scheduled basis; providing prohibitions as to who may perform said audit; providing for its components; providing for procedures for contracting for said audit; providing said procedures shall be public record; providing requirements for the contract document; providing the Clerk of Court shall retain a final copy of said audit as a permanent public record; providing for appropriation of funds; providing an effective date.

—was read the second time by title and by two-thirds vote read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

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

SB 2972—A bill to be entitled An act relating to Duval County, relating to the hospital facility in Jacksonville Beach owned by the Beaches Public Hospital Special Taxing District, Duval County; providing for the approval by the Legislature of the sale of the assets and liabilities of the Beaches Public Hospital Special Taxing District, upon the satisfaction of certain conditions, to Baptist Medical Center of the Beaches, Inc., d/b/a Baptist Medical Center - Beaches; requiring Baptist Medical Center - Beaches to provide certain indigent healthcare services; repealing chapter 82-291, Laws of Florida, being the Enabling Legislation of the Beaches Public Hospital Taxing District; providing an effective date.

—was read the second time by title and by two-thirds vote read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

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

SB 2974—A bill to be entitled An act relating to Seminole County; repealing ch. 72-431, Laws of Florida; eliminating circuit judge and county judge entitlement to county medical, health, accident and life insurance benefits under county programs; providing an effective date.

—was read the second time by title and by two-thirds vote read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

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

SB 2976—A bill to be entitled An act relating to the City of Jacksonville; amending chapter 92-341, Laws of Florida, as amended, relating to the Jacksonville Police and Fire Pension Board of Trustees; providing that the board shall have the power to issue subpoenas to compel attendance of witnesses, production of documents, and to administer oaths to witnesses; providing an effective date.

—was read the second time by title and by two-thirds vote read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

Consideration of **SB 2980** was deferred.

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

SB 2982—A bill to be entitled An act relating to the Canaveral Port District, Brevard County; amending Art. XVII, ch. 28922, Laws of Florida, 1953, as amended; increasing threshold amounts for requirement of competitive bidding of construction and commodity purchase contracts; authorizing the Canaveral Port Authority to utilize purchasing agreements and contracts of any state agency, county, school board, or municipality, or of the Federal Government, for the purchase of goods, supplies, or materials for the Canaveral Port District in lieu of competitive sealed bids; providing an effective date.

—was read the second time by title and by two-thirds vote read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SPECIAL ORDER

SM 2664—A memorial to the Congress of the United States, urging Congress to remove the exemption from the antitrust laws for major league baseball teams.

WHEREAS, a number of major baseball markets in Florida have been treated with indifference regarding their hopes and dreams for a future with a major league baseball team, and

WHEREAS, the State of Florida can effectively support three major league baseball teams, and

WHEREAS, the exemption from antitrust laws for major league baseball teams has been used to protect major league baseball, and

WHEREAS, this exemption that is provided for baseball teams is contrary to the basic interests of baseball fans, and

WHEREAS, the basic interests of baseball fans would be served if free-market competition were allowed to work, and

WHEREAS, the United States Senate held hearings in 1993 on the antitrust status for major league baseball, and

WHEREAS, since those hearings, major league baseball owners have done little to address concerns that were expressed, and issues such as expansion, league finances, the unoccupied commissioner's position, a potential labor lockout, and minor league disputes are all on the table, unaddressed and unresolved, and

WHEREAS, the public has tried to redress its grievances through the judicial system, but, when National League President Bill White was subpoenaed, the public was told by the courts that the antitrust exemption put Mr. White out of reach of the subpoena, NOW, THEREFORE,

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

That the Congress of the United States is requested to pass pending legislation introduced by Senator Connie Mack and Senator Howard Metzenbaum to revoke the exemption from federal antitrust laws for major league baseball teams.

BE IT FURTHER RESOLVED that copies of this memorial be dispatched to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

—was read the second time in full. On motions by Senator Crist, **SM 2664** was adopted and immediately certified to the House. The vote on adoption was:

Yeas—38 Nays—None

The Senate resumed consideration of—

CS for SB 2014—A bill to be entitled An act relating to education; clarifying responsibilities of the Department of Education, school districts, and child care providers for meeting the first state education goal, readiness to start school; requiring the Department of Education to develop a state plan for the Chapter I program; prohibiting a school district from reporting for funding any kindergarten students unless the district has collected the key data elements for the first state education goal; amending s. 20.19, F.S.; requiring district administrators of the Department of Health and Rehabilitative Services to cooperate with district school superintendents to meet the first state education goal; amending s. 230.23, F.S.; requiring school districts to cooperate with other agencies to prepare children and families for children's success in school; amending s. 230.2305; requiring school district plans for the prekindergarten early intervention program to state how the program supports the district's efforts to achieve the first state education goal; amending s. 230.33, F.S.; requiring district school superintendents to cooperate with the district administrator of the Department of Health and Rehabilitative Services and administrators of local public and private agencies to meet the first state education goal; creating s. 233.059, F.S.; requiring education for family life and parenthood; amending s. 402.3015, F.S.; requiring subsidized child care programs serving children below age 5 to provide the elements necessary to prepare children for school; requiring central agencies for child care to ensure the quality of the subsidized child care programs serving children below age 5; providing a sanction; requiring the Department of Health and Rehabilitative Services to seek federal waivers if nec-

essary; amending s. 409.933, F.S.; requiring parental activities for AFDC recipients; amending s. 409.938, F.S.; requiring AFDC recipients to submit proof that their children have received standard childhood immunizations; providing sanctions; providing for transfer of funds from the Department of Health and Rehabilitative Services to school districts; amending s. 421.10, F.S.; requiring a housing authority to require certain parental activities in the lease to parents of dependent children; amending s. 411.222, F.S.; establishing the role of the State Coordinating Council for Early Childhood Services to coordinate agency activities to enable school districts to meet the first state education goal, readiness to start school; requiring home economics teachers to be certified as counselors in family life education; amending s. 228.041, F.S.; deleting the definition of the terms "suspension" and "expulsion" for purposes of the Florida School Code; providing for dealing with an habitual truant as a child in need of services rather than as a dependent child under ch. 39, F.S.; amending ss. 228.091, 228.093, F.S.; deleting references to students under suspension or expulsion to conform to changes made by the act; amending s. 230.23, F.S.; requiring district school boards to provide alternative classes, alternative programs, and disciplinary programs for the control and discipline of students; amending s. 39.054, F.S.; requiring an agent of the Department of Health and Rehabilitative Services to notify a child's school guidance counselor if the child is found to have committed a delinquent act; amending s. 230.33, F.S.; requiring the school superintendent to recommend alternative classes and programs and disciplinary programs to the school board for the control and discipline of students; deleting the authority of a school superintendent to recommend the suspension or the expulsion of a student to the school board; amending s. 232.01, F.S.; requiring a parent's permission for a child to drop out of school at a specified age; amending s. 232.19, F.S.; deleting the requirements that school districts provide educational evaluation and the services of a school social worker before initiating a petition to declare a habitual truant a child in need of services; amending s. 39.436, F.S.; authorizing the school superintendent to file a petition seeking an adjudication that a child is a child in need of services due to habitual truancy; amending s. 232.26, F.S.; deleting the authority of a school principal to recommend the suspension or the expulsion of a student; amending s. 232.275, F.S.; exempting school personnel from civil and criminal liability for certain actions; deleting a reference to the suspension and the expulsion of students; amending s. 232.276, F.S.; requiring district school boards to develop parenting workshops for the parents or guardians of students with disciplinary problems; amending s. 232.41, F.S.; deleting the authority of district school boards to suspend or expel students; amending s. 233.061, F.S.; requiring that students be taught the principles of moral and ethical conduct; requiring that students be taught certain common duties and obligations, traditional values, reverence for the institution of marriage, and respect for authority; creating s. 233.0655, F.S.; authorizing district school boards to allow teachers and administrators to read or post certain writings, documents, and records related to American history; providing for distribution of the section; amending s. 235.02, F.S.; providing circumstances under which an educational facility may be used for an activity sponsored by a religious organization; amending s. 409.145, F.S.; deleting references to the expulsion of students from school to conform to changes made by the act; amending ss. 228.121, 232.2468, F.S.; conforming cross-references to changes made by the act; providing for schools to adopt school creeds; prescribing minimum contents of school creeds; requiring each school board to develop a plan for parents to select among public schools for their children's enrollment; requiring the State University System to develop a curriculum for students in educational alternative schools or programs; providing legislative findings with respect to the need for alternative programs for disruptive students; creating a reduction and elimination schedule for expulsion and out-of-school suspension; requiring a joint plan by each district school board and the state agency responsible for administering juvenile justice programs; requiring technical assistance in planning for certain districts; providing that no student will be expelled or suspended out of school after a certain date; requiring a proposed budget request; providing for plan approval and the award of grants; authorizing the State Board of Education to adopt rules; amending s. 231.17, F.S.; providing requirements for teacher certification; amending s. 231.24, F.S.; authorizing the use of certain training programs for renewal of teaching certificates; amending s. 236.0811, F.S.; providing requirements for school district master plans for the inservice training of teachers; providing conditions for implementation; providing effective dates.

—which had been considered March 9. Pending **Amendment 1B** was withdrawn.

Senator Kirkpatrick moved the following substitute amendment for **Amendment 1** as amended:

Amendment 2 (with Title Amendment)—Strike everything after the enacting clause and insert:

Section 1. The Department of Education shall develop a state plan for use of funds received by school districts under Title I of the Elementary and Secondary Education Act of 1965, as amended and readopted (Chapter I). The state plan must require each school district plan to explain how the Chapter I schools in the district will use the funds to support the state education goals. The state plan should require each district to specify how the Chapter I program supports the first state education goal, readiness to start school.

Section 2. Beginning with the 1995-1996 school year, a school district may not report for funding any kindergarten students unless the following key data elements for the first state education goal were collected by the district:

- (1) The number and percent of kindergarten students who were eligible for free and reduced-price lunch and who participated in a preschool program;
- (2) The number and percent of children ages 3 and 4 who were served in prekindergarten early intervention, Chapter I, Head Start, prekindergarten disabilities, migrant prekindergarten, subsidized child care, and nonsubsidized child care programs;
- (3) The number and percent of students who passed the kindergarten screening for vision and hearing problems;
- (4) The number and percent of students in grades K-3 enrolled in exceptional student education programs, by type of program;
- (5) The number and percent of students enrolled in exceptional student education in grades K-3 who received services in a preschool exceptional student education program;
- (6) The number of children served in Teenage Parent programs by age groups birth-3 and 3-5;
- (7) The number of Healthy Start infants screened positive for risk factors;
- (8) If the district has First Start or Even Start programs, the number of children served compared to their estimated prevalence in the school district.
- (9) A demonstration that family educational opportunities have been made available in the community;
- (10) The number and percent of kindergarten students failing vision or hearing screening who are receiving appropriate treatment; and
- (11) School or school district agreements with agencies such as the Department of Health and Rehabilitative Services, public libraries, medical practitioners, and other public and private service providers in the community.

Section 3. Subsection (13) of section 230.23, Florida Statutes, is amended to read:

230.23 Powers and duties of school board.—The school board, acting as a board, shall exercise all powers and perform all duties listed below:

- (13) COOPERATION WITH OTHER AGENCIES.—
 - (a) Cooperate with federal, state, county, and municipal agencies in all matters relating to education and child welfare. District superintendents and school boards may initiate policy meetings with such agencies to promote joint planning and provide effective programs in matters relating to discipline, truancy, and dropouts.
 - (b) Cooperate with public and private community agencies and with the local service district of the Department of Health and Rehabilitative Services to achieve the first state education goal, readiness to start school.
 - (c)(b) Cooperate with the Department of Education in identifying each child in the school district who is a migratory child as defined in Pub. L. No. 95-561 and cooperate with the department in providing such other information as the department deems necessary.

Section 4. Subsections (1) and (3) and paragraph (o) of subsection (4) of section 230.2305, Florida Statutes, are amended to read:

230.2305 Prekindergarten early intervention program.—

(1) LEGISLATIVE INTENT; PURPOSE.—The Legislature recognizes that high quality prekindergarten education programs increase children's chances of achieving future educational success and becoming productive members of society. It is the intent of the Legislature that such programs be developmental, serve as preventive measures for children at risk of future school failure, enhance the educational readiness of all children, and support family education and the involvement of parents in their child's educational progress. *Each prekindergarten early intervention program shall provide the elements necessary to prepare children for school, including a developmentally appropriate educational program, health screening and referral, and opportunities for parental involvement in the program.* It is the legislative intent that the prekindergarten early intervention program not exist as an isolated program, but build upon existing services and work in cooperation with other programs for young children. It is intended that procedures such as, but not limited to, contracting, collocation, mainstreaming, and cooperative funding be used to coordinate the program with Head Start, public and private providers of day care, handicapped student preschool programs, programs for migrant children, Chapter I, subsidized day care, adult literacy programs, and other services. It is further the intent of the Legislature that the Commissioner of Education seek the advice of the Secretary of Health and Rehabilitative Services in the development and implementation of the prekindergarten early intervention program and the coordination of services to young children. The purpose of the prekindergarten early intervention program is to encourage and assist school districts in implementing such programs *that will enable all the families and children in the school district to be prepared for the children's success in school.*

(3) PLANS.—Each district school board that which chooses to participate in the prekindergarten early intervention program shall submit to the Commissioner of Education a plan for implementing and conducting a prekindergarten early intervention program. Each plan or amended plan shall be developed in cooperation with the local interagency coordinating council on early childhood services pursuant to subsection (11) and shall be approved by the commissioner. A district school board shall submit a plan or amended plan for planning and evaluating prekindergarten programs, implementing new services, enhancing existing early childhood, prekindergarten, or child care programs provided by public or nonpublic entities, or contracting for the provision of services or facilities. School boards ~~must be encouraged, but are not required,~~ to include in their plans *an explanation of the role of the prekindergarten early intervention program in the school district's effort to meet the first state education goal, readiness to start school, and the plan must include the utilization of public and private programs already in existence in the district, business-education partnerships, and preschool programs operated by vocational-technical schools, community colleges, and universities.* A district school board plan shall identify the locations where services will be provided and may include public school property or other sites that meet state and local licensing requirements for child day care facilities or State Board of Education rules, except that sites shall be located to the maximum extent practicable so as to provide easy access by parents, especially working parents of economically disadvantaged children. When a district uses nonschool facilities or nonschool facility staff for the provision of services, a contract is required; when a district uses nonschool facilities and provides district instructional staff, a cooperative agreement is required. Unless the commissioner requests a revised plan, districts with plans approved subsequent to July 1, 1989, must submit only amendments to their initial plans to the commissioner by November 15 of each subsequent year.

(4) PLAN APPROVAL.—To be considered for approval, each plan, or amendment to a plan, shall be prepared according to instructions issued by the Commissioner of Education and shall include, without limitation:

(o) A written description of the role of the program in the school district's effort to meet the first state education goal, readiness to start school, including a description of the school board's plan efforts to involve nonpublic schools, public and private providers of day care and early education, and other community agencies that provide services to young children. This may include private child care programs, subsidized child care programs, and Head Start programs. The written description of the school board's plan efforts to involve the groups listed above shall be submitted annually.

Section 5. Subsection (14) of section 230.33, Florida Statutes, is amended to read:

230.33 Duties and responsibilities of superintendent.—The superintendent shall exercise all powers and perform all duties listed below and elsewhere in the law; provided, that in so doing he shall advise and counsel with the school board. The recommendations, nominations, proposals, and reports required by law and rule to be made to the school board by the superintendent shall be either recorded in the minutes or shall be made in writing, noted in the minutes, and filed in the public records of the board. It shall be presumed that, in the absence of the record required in this paragraph, the recommendations, nominations, and proposals required of the superintendent were not contrary to the action taken by the school board in such matters.

(14) COOPERATION WITH OTHER AGENCIES.—

(a) Cooperation with governmental agencies in enforcement of laws and rules.—Recommend plans for cooperating with, and, on the basis of approved plans, to cooperate with, federal, state, county, and municipal agencies in the enforcement of laws and rules pertaining to all matters relating to education and child welfare.

(b) Cooperation with other local administrators to achieve the first state education goal.—Cooperate with the district administrator of the Department of Health and Rehabilitative Services and with administrators of other local public and private agencies to achieve the first state education goal, readiness to start school.

(c) Identifying and reporting names of migratory children, other information.—Recommend plans for identifying and reporting to the Department of Education the name of each child in the school district who qualifies according to the definition of a migratory child, based on Pub. L. No. 95-561, and for reporting such other information as may be prescribed by the department.

Section 6. Section 402.3015, Florida Statutes, is amended to read:

402.3015 Subsidized child care program; purpose; fee; transitional child care.—

(1) The purpose of the subsidized child care program is to provide quality child care to enhance the development, including language, cognitive, motor, social, and self-help skills, of at-risk children. *Subsidized child care provided to children below age 5 shall provide the elements necessary to prepare children for school, including a developmentally appropriate educational program, health screening and referral, and opportunities for parental involvement in the program.* For the purpose of this section, the term "at-risk children" means any of the following:

(a) Children identified by the department through the Florida Protective Services System as being at risk of abuse, neglect, or exploitation.

(b) Children of participants in the Florida Employment Opportunity Act pursuant to s. 409.029.

(c) Children of other aid to families with dependent children or supplemental security income clients who work 20 hours or more per week or are participating in a training program leading to employment.

(d) Children of migrant farm workers, Native Americans, or teenage parents.

(e) Children of working parents whose family incomes do not exceed 150 percent of the federal poverty income guidelines.

(2) To the extent that resources are available, the department shall provide child care to every family with a child eligible to participate in the subsidized child care program.

(3) The department shall establish a fee schedule for subsidized child care program participants as defined in rules by the department.

(4) Once a subsidized child care program participant is no longer eligible for subsidized child care due to an increase in income that places the participant above 150 percent of the federal poverty level, but below 185 percent of the federal poverty level, the department shall provide 12 months of transitional child care to the participant at a fee to be determined by the department.

(5) *The central agencies for child care shall be responsible for ensuring that programs serving children below age 5 are of high quality and provide the elements necessary to prepare children for school. The cen-*

tral agencies must ensure that each provider of subsidized child care to children below age 5 scores at the 85th percentile or above on the assessment instrument used by the agency to measure the quality of subsidized child care programs. Beginning October 1, 1996, the Department of Health and Rehabilitative Services shall reduce by 25 percent the administrative rate paid to central agencies for child care that have not met the requirements of this section. The administrative rate shall be reduced by 25 percent in each subsequent year for agencies that fail to meet the requirements of this section.

(6) *The department must seek federal waivers to implement the requirements of this section if waivers are necessary. The department may achieve the requirements of this section through collaborative agreements with other agencies and programs serving young children and their families.*

Section 7. Performance standards for early childhood education and care programs.—

(1) For purposes of this section, the early childhood education and care programs are the Prekindergarten Early Intervention Program, the Subsidized Child Care Program, the Chapter I Program, the Chapter I Migrant Program, the Prekindergarten Handicapped Program, and the Teenage Parent Program.

(2) The Department of Health and Rehabilitative Services and the Department of Education, in consultation with the Legislature, shall develop a minimum set of performance standards for publicly funded early childhood education and care programs that serve children from birth through 5 years of age and a mechanism to measure the progress of local communities on meeting a desired set of outcomes based on these performance measures. The defined outcomes must be consistent with the state's first education goal, readiness to start school, and must also reflect other efforts within the state to increase the opportunity for welfare recipients to become self-sufficient. Performance standards shall be developed for all administrative levels of each program, including individual programs and providers, and shall reflect appropriate expectations for the type of program and the setting in which care is provided.

(3) The Department of Health and Rehabilitative Services and the Department of Education shall submit a joint report to the Legislature by October 1, 1994, outlining the recommended performance standards. In addition, the report must provide recommendations for:

(a) Providing enhanced funding to communities that have consistently shown that they are maximizing their existing resources to the fullest extent, evidenced through local funding collaboratives, multiple contractual arrangements across various programs, federal revenue maximization, and other components identified by the departments.

(b) Providing incentives for individual programs and providers, either through grants or increased payment rates, which ensure that families have access to and receive comprehensive services. Comprehensive services include, but are not limited to, developmentally appropriate education activities, medical and dental health services, mental health services, parent education and training in parenting skills, nutritional services, and parental involvement activities.

(c) Increasing federal financial participation at the local level, specifically the certification of expenditures in the Prekindergarten Early Intervention Program for children who are eligible to participate under Title IV-A of the Social Security Act.

(4) Subject to legislative appropriation, any increased federal funds that become available for the programs listed in subsection (1) after July 1, 1995, shall be available only to providers who have an established plan for meeting the minimum set of performance standards and who measurably progress toward meeting the approved outcomes.

Section 8. Paragraph (b) of subsection (2) and paragraphs (a) and (e) of subsection (4) of section 411.222, Florida Statutes, are amended to read:

411.222 Intraagency and interagency coordination; creation of offices; responsibilities; memorandum of agreement; creation of coordinating council; responsibilities.—

(2) DEPARTMENT OF HEALTH AND REHABILITATIVE SERVICES.—There is created within the Department of Health and Rehabilitative Services an Office of Prevention, Early Assistance, and Child Development for the purpose of intraagency and interagency planning,

policy, and program development and coordination to enhance existing programs and services and to develop new programs and services for high-risk pregnant women and for high-risk preschool children and their families. In order to meet the responsibilities of this chapter, staff shall be assigned to the office no later than September 1, 1989.

(b) Interagency responsibilities.—

1. Perform the joint functions related to the joint strategic plan as specified in s. 411.221.
2. Prepare jointly with the Department of Education a memorandum of agreement pursuant to this section, or other cooperative agreements necessary to implement the requirements of this chapter.
3. Develop, in collaboration with the Department of Education, rules necessary to implement this chapter.
4. Perform the responsibilities enumerated in subparagraphs (a)4.-7. on a statewide basis in conjunction with the Office of Prevention, Early Assistance, and Child Development within the Department of Education.

5. *Subject to appropriation, develop and implement a program of parenting workshops to assist and counsel the parents or guardians of students with disciplinary problems. These workshops should be made available to families who are recipients under any of the department's fiscal assistance programs. The department may provide these services directly or enter into contracts with public school districts for the provision of these services.*

(4) STATE COORDINATING COUNCIL FOR EARLY CHILDHOOD SERVICES.—

(a) Creation; intent.—The State Coordinating Council for Early Childhood Services is hereby created to ensure coordination among the various agencies and programs serving preschool children *in order to support school districts' efforts to achieve the first state education goal, readiness to start school*; to facilitate communication, cooperation, and maximum use of resources; and to promote high standards for all programs serving preschool children in Florida. It is the intent of the Legislature that the coordinating council shall be an independent nonpartisan body and shall not be identified or affiliated with any one agency, program, or group.

(e) Duties.—The council shall recommend to the Governor, Commissioner of Education, Secretary of Health and Rehabilitative Services, President of the Senate, and Speaker of the House of Representatives methods for coordinating the various agencies, public and private programs, entities serving preschool children and their families, and organizations representing teenage pregnancy prevention programs, and procedures to facilitate communication, cooperation, and maximum use of resources *to enable school districts to achieve the first state education goal, readiness to start school*. The council shall be advised as to the development of the statewide, comprehensive, coordinated, multidisciplinary, interagency system of early intervention services for handicapped infants and toddlers and their families required pursuant to 20 U.S.C. s. 1474, Education of the Handicapped. Further, the council shall:

1. Serve as interagency coordinating council for monitoring of the joint strategic plan as required by s. 411.221.
2. Advise the Department of Education and the Department of Health and Rehabilitative Services concerning standards, rules, rule revisions, agency guidelines, and administration and enforcement affecting child care facilities, family day care homes, prekindergarten early intervention programs, preschool programs for handicapped and migrant children, programs for handicapped and high-risk infants and toddlers, and other programs and services for preschool children and their families.
3. Advise the Department of Education and the Department of Health and Rehabilitative Services concerning criteria for grant guidelines, plan and proposal review, and eligibility for services for programs serving preschool children.
4. Review preservice and inservice training programs and graduate programs for personnel of child care programs, prekindergarten early intervention programs, preschool programs for handicapped and migrant children, programs for handicapped and high-risk infants and toddlers, and other early childhood programs and services for preschool children and their families. Advise the departments regarding needed improvements and revisions in training requirements and the content of training

programs, including programs offered by school districts, the Department of Health and Rehabilitative Services, community colleges, and universities.

5. Recommend methods to increase public-private partnership involvement in services for preschool children, to maximize federal funding availability, and for effective use of available resources through cooperative funding and coordinated services.
6. Recommend legislation, when needed, affecting child care facilities, prekindergarten early intervention programs, preschool programs for handicapped and migrant children, programs for handicapped and high-risk infants and toddlers, and other programs and services for preschool children and their families.
7. Advise the Commissioner of Education and the Secretary of Health and Rehabilitative Services regarding issues and trends in early childhood services, the identification of programs providing high quality services for preschool children, and the dissemination of information about these programs.

8. Advise the Department of Education and the Department of Health and Rehabilitative Services concerning standards, rules, rule revisions, and agency guidelines affecting school curriculum, health services, family planning services, and other programs and services designed to prevent teenage pregnancy.

9. Review preservice and inservice training programs for teachers, counselors, and other persons who teach comprehensive health education, the benefits of sexual abstinence, the consequences of teenage pregnancy, reproductive health, interpersonal skills, life management skills, science, decisionmaking, self-concept building skills, or any other course designed to prevent teenage pregnancy.

10. Recommend methods to increase parental and community involvement in teenage pregnancy prevention and to use effectively available resources through cooperative funding and coordinated services.

11. Recommend legislation, when needed, to reduce teenage pregnancy, including programs in the areas of health care and education and programs directed at teenage parents.

12. Advise the respective Offices of Prevention, Early Assistance, and Child Development on the need for, and the nature of, technical assistance and on ways to enhance the offices' roles in intraagency and interagency coordination.

13. Conduct onsite visitation and provide technical assistance to programs.

14. Review procedures for prototype selection, monitoring, technical assistance, and evaluation and make recommendations for change.

Section 9. Paragraph (c) of subsection (10) of section 20.19, Florida Statutes, is amended to read:

20.19 Department of Health and Rehabilitative Services.—There is created a Department of Health and Rehabilitative Services.

(10) DISTRICT ADMINISTRATOR.—

(c) The duties of the district administrator include, but are not limited to:

1. Ensuring jointly with the health and human services board that the administration of all service programs is carried out in conformity with state and federal laws, rules, and regulations, statewide service plans, and any other policies, procedures, and guidelines established by the secretary.
2. Administering the offices of the department within the district and directing and coordinating all personnel, facilities, and programs of the department located in that district, except as otherwise provided herein.
3. Applying standard information, referral, intake, diagnostic and evaluation, and case management procedures established by the secretary. Such procedures shall include, but are not limited to, a protective investigation system for dependency programs serving abandoned, abused, and neglected children.
4. Centralizing to the greatest extent possible the administrative functions associated with the provision of services of the department within the district.

5. Coordinating the services provided by the department in the district with those of other districts, with the Assistant Secretary for Juvenile Justice Programs, the district juvenile justice manager, and public and private agencies that which provide health, social, educational, or rehabilitative services within the district. *Such coordination of services shall include cooperation with the superintendent of each school district in the Department of Health and Rehabilitative Services' service district to achieve the first state education goal, readiness to start school.*

6. Except as otherwise provided in this section, appointing district program managers, program supervisors, and the superintendent of each institution within the district and approving all other personnel appointments within the district.

7. Establishing, with the approval of the health and human services board, such policies and procedures as may be required to discharge his duties and implement and conform the policies, procedures, and guidelines established by the secretary to the needs of the district.

8. Transferring up to 10 percent of the total district budget, with the approval of the secretary, to maximize effective program delivery, the provisions of ss. 216.292 and 216.351 notwithstanding.

Section 10. Section 409.933, Florida Statutes, is amended to read:

409.933 ~~Family transition program~~ Learnfare requirement.—Pursuant to federal law and regulations, the department shall reduce the benefit payments for a participant's eligible dependent child or for an eligible teenage participant who has not been exempted from education participation requirements during a grading period in which the child or teenage participant has accumulated a number of unexcused absences from school that is sufficient to jeopardize the student's academic progress, in accordance with rules adopted by the department with input from the Department of Education. The benefit payments must be reinstated after a subsequent grading period in which the child has substantially improved his attendance. Good cause exemptions from the rule of unexcused absences include the following:

(1) The student is expelled from school and alternative schooling is not available.

~~(2) The teen has a child under 6 months of age.~~

~~(3) No licensed day care is available for a child of teen parents subject to Learnfare.~~

~~(4) Prohibitive transportation problems exist (e.g., to and from day care).~~

~~(2)(5)~~ The teen is over 18 ~~16~~ years of age and not expected to graduate from high school by age 20.

A participant with eligible dependent school age children must visit the school of one of the children, or receive a visit in the home by a person authorized by the school to make home visits, once each month and must attend an educational parent activity approved by the school once each month. The department shall reduce the benefits of a participant who fails to make one school visit, or receive one home visit, and attend one educational parent activity per month. Fifteen days after sanction notification, the participant parent of a dependent child or the teenage participant may file an internal fair hearings process review procedure appeal, and no sanction shall be imposed until the appeal is resolved. The department must seek federal waivers to implement the requirements of this section if waivers are necessary.

Section 11. Section 409.938, Florida Statutes, is amended to read:

409.938 Immunizations.—Statewide, the department shall advise applicants for aid to families with dependent children of the availability of standard childhood immunizations through the county public health unit. Within 12 months after a determination of eligibility for aid to families with dependent children or at the next scheduled full redetermination, the recipients must submit to the department proof that the children for whom they receive benefits have received their standard childhood immunizations. If a recipient fails to provide such proof of immunization, the department shall ~~impose review the case to determine whether sanctions that include a reduction in benefits should be imposed.~~ The department shall waive this requirement if the failure to immunize the children is because of religious reasons or other good cause, or upon proof that the immunization sequence has been started. *The department must seek federal waivers to implement the requirements of this section if waivers are necessary.*

Section 12. Section 421.10, Florida Statutes, is amended to read:

421.10 Rentals and tenant selection.—

(1) In the operation or management of housing projects an authority shall at all times observe the following duties with respect to rentals and tenants selection:

(a) It may rent or lease the dwelling accommodations therein only to persons of low income and at rentals within the financial reach of such persons of low income;

(b) It may rent or lease to a tenant dwelling accommodations consisting of the number of rooms, but no greater number, which it deems necessary to provide safe and sanitary accommodations to the proposed occupants thereof, without overcrowding; and

(c) It shall accept any person as a tenant in any housing project according to the appropriate guidelines as established by the United States Department of Housing and Urban Development or other federal agencies.

(d) It shall require in the lease to any parent of dependent children under the age of 18 the following parental activities:

1. Submission of proof that the children have received their standard childhood immunizations;

2. Maintenance of regular school attendance by the school-age children;

3. A visit by the parent to the school of one of the children, or receipt of a visit in the home by a person authorized by the school to make home visits, once each month; and

4. Attendance by the parent at an educational parent activity approved by the school once each month.

~~(e)(4)~~ The Department of Health and Rehabilitative Services, pursuant to 45 C.F.R. s. 233.20(a)(3)(vii)(c), shall not consider as income for aid to families with dependent children assistance received by recipients from other agencies or organizations such as public housing authorities.

(2) Nothing contained in this section or s. 421.09, shall be construed as limiting the power of an authority to vest in an obligee the right, in the event of a default by the authority, to take possession of a housing project or cause the appointment of a receiver thereof, free from all the restrictions imposed by this or the preceding section.

(3) This section shall not apply to housing facilities financed by loans made for the purpose of providing such facilities for domestic farm labor pursuant to s. 514 of the Federal Housing Act of 1949.

Section 13. Section 233.059, Florida Statutes, is created to read:

233.059 Education for family life and parenthood.—The Legislature recognizes that parental support is essential for a child's success in school and in life. In order to give all students the basis for becoming responsible parents, school districts shall provide the following components of education for parenthood to students in grades 6, 7, and 8:

(1) The importance of friendship;

(2) Factors in relationships and dating, including emotional maturity and the consequences of teenage marriage;

(3) Preparation for marriage, including premarriage counseling;

(4) The responsibilities of family members, including the roles of the mother, the father, the children, and the extended family;

(5) Family traditions, including religious heritage and cultural observance;

(6) Ways to cope with conflict, including strategies to resolve conflict and resources to go to for help;

(7) The role and importance of child care; and

(8) Financial responsibilities of the family, including the importance of a budget and the need to plan for medical care, child care, and housing.

Students shall receive the equivalent of 5 days of instruction in each of grades 6, 7, and 8, and schools may present the instruction in any curricular area they choose.

Section 14. Home economics teachers must be certified as counselors in family life education.

Section 15. The Department of Health and Rehabilitative Services shall transfer to each school district funds equal to the amount of AFDC benefits that were reduced under the Learnfare requirements in section 409.933, Florida Statutes, and the immunization requirements in section 409.938, Florida Statutes, in that school district. The district must use the funds to provide to the children of the sanctioned AFDC recipients the services the parents are not providing.

Section 16. Paragraph (a) of 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) 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. *The agent authorized to supervise the child shall advise the child's school guidance counselor that the child has been found to have committed a delinquent act and shall regularly communicate with the guidance counselor to ensure that the child's needs are being met by the school. In addition, the school guidance counselor shall regularly communicate with the agent about the child's activities, attendance, deportment, and academic performance.* A community control program for an adjudicated delinquent child must 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 also include a rehabilitative program component such as a requirement of participation in substance abuse treatment or in school or other educational program.

1. 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 include, but are not limited to, structured or restricted activities as described in this paragraph, and shall be designed to encourage the child toward acceptable and functional social behavior. If supervision or a program of community service is ordered by the court, the duration of such supervision or program must be consistent with any treatment and rehabilitation needs identified for the child and may not exceed the term for which sentence could be imposed if the child were committed for the offense. When restitution is ordered by the court, the amount of restitution 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 shall be considered an employee of the state for purposes of liability, unless otherwise provided by law.

2. 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.

3. 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.

4. 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 be until his 19th birthday unless he is released by the court, on the motion of an interested party or on its own motion.

Section 17. Paragraph (c) of subsection (1) of section 232.01, Florida Statutes, is amended to read:

232.01 Regular school attendance required between ages of 6 and 16; permitted at age of 5; exceptions.—

(1)

(c) A child who attains the age of 16 years during the school year is ~~shall~~ not be required to attend school beyond the date upon which he attains that age. *However, a child 16 or 17 years of age must have the written permission of his parent or legal guardian to drop out of school.*

Section 18. Subsection (3) of section 232.19, Florida Statutes, is amended to read:

232.19 Court procedure and penalties.—The court procedure and penalties for the enforcement of the provisions of this chapter, relating to compulsory school attendance, shall be as follows:

(3) HABITUAL TRUANCY CASES.—~~If (a) In case~~ a child becomes a habitual truant, the school administration ~~must shall~~ file with the circuit court a complaint alleging the facts, and the child ~~must shall~~ be dealt with as a child in need of services according to the provisions of chapter 39. Prior to and subsequent to the filing of a child-in-need-of-services petition due to habitual truancy, the appropriate governmental agencies ~~must shall~~ allow a reasonable time period to complete actions required by this subsection to remedy the conditions leading to the truant behavior. The following criteria ~~must shall~~ be met and documented in writing prior to the filing of a petition:

(a)1. The child must have been absent from school with or without the knowledge or consent of the child's parent or legal guardian and must not be exempt from attendance by virtue of being over the age of compulsory school attendance or by meeting the criteria in s. 232.06, s. 232.09, or any other exemption specified by law or the rules of the State Board of Education; ~~and~~

(b)2. In addition to the actions described in ss. 230.2313(3)(c) and 232.17, the school administration must have completed the following ~~escalating~~ activities to determine the cause, and to attempt the remediation, of the child's truant behavior:

1.a. One or more meetings must have been held between a school attendance professional or school social worker, the child's parent or guardian, and the child, if necessary, to report and to attempt to solve the truancy problem. However, if the school attendance professional or school social worker has documented the refusal of the parent or guardian to participate in the meetings, ~~then this requirement has been met and the school administration must have proceeded to the next escalating activity; and~~

2.b. Educational counseling must have been provided to determine whether curriculum changes would help solve the truancy problem, and, if any changes were indicated, ~~the such~~ changes must have been instituted but proved unsuccessful in remedying the truant behavior. ~~The Such~~ curriculum changes may have included enrollment of the child in an alternative education program that met the specific educational and behavioral needs of the child; ~~and~~

e. ~~Educational evaluation, which may have included psychological evaluation, must have been provided to assist in determining the specific condition, if any, that is contributing to the child's nonattendance. The evaluation must have been supplemented by specific efforts by the school to remedy any diagnosed condition; and~~

3. ~~A school social worker or other person designated by the school administration, if the school does not have a school social worker, and an intake officer of the Department of Health and Rehabilitative Services must have jointly investigated the truancy problem or, if that was not feasible, have performed separate investigations to identify conditions which may be contributing to the truant behavior; and if, after a joint staffing of the case to determine the necessity for services, such services were determined to be needed, the persons who performed the investigations must have met jointly with the family and child to discuss any refer-~~

rel to appropriate community agencies for economic services, family or individual counseling, or other services required to remedy the conditions that are contributing to the truant behavior.

(b) ~~The failure or refusal of the parent or legal guardian to participate, or to make a good faith effort to participate, in the activities prescribed for his involvement pursuant to this subsection shall cause proceedings to be brought against the parent or legal guardian pursuant to this section. The failure or refusal of the parent or legal guardian to participate will not automatically cause the child to be handled as a child in need of services pursuant to this subsection. The school administration and the Department of Health and Rehabilitative Services shall continue to work with the child to remedy the conditions causing the truant behavior. If, after a reasonable period of time, the truant behavior persists, the child may be handled as a habitual truant pursuant to this section and chapter 39. The failure or refusal of the child to participate, or make a good faith effort to participate, in the activities required by this subsection, even though the child's parent or legal guardian has attempted to comply, will cause the child to be handled as a habitual truant pursuant to this section and chapter 39 if the child's truant behavior has persisted. The continued truant behavior of the child, even though both the parent or legal guardian and the child have complied with the activities prescribed in this subsection, will cause the child to be considered a habitual truant, and the child shall be handled as such pursuant to this section and chapter 39.~~

Section 19. Subsection (1) of section 39.436, Florida Statutes, is amended to read:

39.436 Petition for a child in need of services.—

(1) All proceedings seeking an adjudication that a child is a child in need of services shall be initiated by the filing of a petition by an attorney for the department, *except that the school superintendent may file a petition seeking an adjudication that a child is a child in need of services due to habitual truancy if the school administration has completed the actions required under s. 232.19 to remedy the conditions leading to the truant behavior and has notified the local provider of services for children in need of services.* If a child in need of services has been placed in a shelter pursuant to s. 39.422, the petition shall be filed immediately and contain notice of arraignment pursuant to s. 39.44.

Section 20. Section 233.061, Florida Statutes, is amended to read:

233.061 Required instruction.—Members of the instructional staff of the public schools, subject to the rules and regulations of the state board and of the school board, shall teach efficiently and faithfully, using the books and materials required, following the prescribed courses of study, and employing approved methods of instruction the following: The content of the Declaration of Independence and how it forms the philosophical foundation of our government; the arguments in support of adopting our republican form of government, as they are embodied in the most important of the Federalist Papers; the essentials of the United States Constitution and how it provides the structure of our government; flag education, including proper flag display and flag salute; the elements of civil government; the elementary principles of agriculture; the true effects of all alcoholic and intoxicating liquors and beverages and narcotics upon the human body and mind; *the principles of moral and ethical conduct; the common duties and obligations necessary to ensure and promote an orderly, lawful, moral, and civil society, thereby enhancing collective security and well-being; the traditional values of self-restraint, obedience to the law, sobriety, honesty, truthfulness, that working is better than not working, and financial self-support; reverence for the institution of marriage, which includes the importance of children being born within a loving marital relationship, chastity, fidelity, the need for children to have positive parental influences, and the responsibility of both parents for the upbringing of their children; respect for authority; kindness to animals; the history of the state; conservation of natural resources; and such additional materials, subjects, courses, or fields in such grades as may be prescribed by law or by regulations of the state board and the school board in fulfilling the requirements of law; provided, that state and district school officials shall furnish and put into execution a system and method of teaching the true effects of alcohol and narcotics on the human body and mind, provide the necessary textbooks, literature, equipment, and directions, see that such subjects are efficiently taught by means of pictures, charts, oral instruction, and lectures and other approved methods, and require such reports as are deemed necessary to show the work which is being covered and the results being accomplished, and provided further, that any child whose*

parent shall present to the school principal a signed statement that the teaching of disease, its symptoms, development, and treatment, and the viewing of pictures or motion pictures of such subjects conflict with the religious teachings of their church, shall be exempt from such instruction, and no child so exempt shall be penalized by reason of such exemption.

Section 21. Section 233.0655, Florida Statutes, is created to read:

233.0655 Writings, documents, and records of American history.—Each district school board is authorized to allow any teacher or administrator to read or post in a public school building or classroom, or at any school-related event, any excerpt or portion of the following: the national motto; the national anthem; the pledge of allegiance; the Constitution of the State of Florida, including the Preamble; the Constitution of the United States, including the Preamble; the Bill of Rights; the Declaration of Independence; the Mayflower Compact; the Emancipation Proclamation; the writings, speeches, documents, and proclamations of the founders of the United States, the presidents of the United States, and the leaders in the national civil rights movement; United States Supreme Court decisions; and acts of the United States Congress. There shall be no content-based censorship of American history or heritage based on religious references in these writings, documents, and records. Upon the effective date of this section, the Department of Education shall distribute a copy of this section to each school district, whereupon each school superintendent shall distribute a copy to all school personnel.

Section 22. Section 235.02, Florida Statutes, is amended to read:

235.02 Use of buildings and grounds.—The board, including the Board of Regents, may permit the use of educational facilities and grounds for any legal assembly or for community use centers or may permit the same to be used as voting places in any primary, regular, or special election. *If the board permits the use of an educational facility for activities sponsored by community organizations, it may not prohibit the use of the facility for an activity sponsored by a religious organization if the activity is open to the public and is conducted after the hours during which public education programs are conducted at the facility. However, neither the board nor the administration of the facility may endorse or sponsor the religious organization's activity.* The board shall adopt rules necessary to protect educational facilities and grounds when used for ~~such~~ purposes *authorized by this section.*

Section 23. Each district school board shall adopt rules that authorize each school within the district to create a school creed that can be repeated by teachers, administrators, and students at the beginning of each school day. If a school creates a school creed, it must include, but is not limited to, a statement encouraging:

- (1) Respect for authority and for other persons;
- (2) Obeying the law;
- (3) Morality;
- (4) Duty to country; and
- (5) Sobriety and refrainment from the use of unlawful drugs.

Section 24. Each district school board must develop a plan for allowing a parent to select a school for his child from among all the public schools in the district that enroll students of the same age as his child. The plan must be developed by January 1, 1995, and must be implemented, subject to the availability of space in the school and exclusive of any provisions for student transportation associated with a parent's selection, beginning with the 1995-1996 school year.

Section 25. Subsection (2) of section 231.17, Florida Statutes, is amended to read:

231.17 Certificates granted on application to those meeting prescribed requirements.—

(2) MINIMUM COMPETENCIES.—

(a) Each professional certificate issued shall be valid for a period not to exceed 5 years. Each applicant for initial professional certification shall demonstrate, on a comprehensive written examination or through such other procedures as may be specified by the state board, mastery of those minimum essential generic and specialization competencies and other criteria as shall be adopted into rules by the state board, including, but not limited to, the following:

1. The ability to write in a logical and understandable style with appropriate grammar and sentence structure;
2. The ability to read, comprehend, and interpret professional and other written material;
3. The ability to comprehend and work with fundamental mathematical concepts;
4. The ability to recognize signs of severe emotional distress in students and to apply techniques of crisis intervention with emphasis on suicide prevention and positive emotional development;
5. The ability to recognize signs of alcohol and drug abuse in students and to apply counseling techniques with emphasis on intervention and prevention of future abuse;
6. The ability to recognize the physical and behavioral indicators of child abuse and neglect, to know rights and responsibilities regarding reporting, to know how to care for a child's needs after a report is made, and to know recognition, intervention, and prevention strategies pertaining to child abuse and neglect that can be related to children in a classroom setting in a nonthreatening, positive manner;
7. The ability to comprehend patterns of physical, social, and academic development in students, including exceptional students in the regular classroom, and to counsel the same students concerning their needs in these areas;
8. The ability to recognize and be aware of the instructional needs of exceptional students; *and*.
9. *The ability to recognize disorders of development in students and employ appropriate intervention strategies.*

(b) The state board shall adopt rules *that which* specify the minimum essential generic and subject matter competencies to be demonstrated by means of the written examination and those to be demonstrated by other means. The written examination may be taken by any individual enrolled in a postsecondary institution who pays the appropriate fee and completes the required application procedures prior to graduation. The examination shall require a candidate to demonstrate the following:

1. Mastery of general knowledge, including the ability to read, write, and compute;
2. Mastery of professional skills; and
3. Mastery of the subject matter in each area for which certification is being sought. However, an applicant may satisfy the subject area and professional knowledge testing requirements by attaining scores on corresponding tests from the National Teachers Examination series that meet standards established by the state board.

The College Level Academic Skills Test or a similar test approved by the state board shall be used by degreed personnel to demonstrate mastery of general knowledge as required in subparagraph 1.

(c) Each person seeking initial certification shall have attained at least a 2.5 overall grade point average on a 4.0 scale in the applicant's major field of study.

(d) *Each person seeking initial certification shall have earned 6 college credits in courses related to normal child development and the disorders of development.*

(e)(d) A person who meets all certification requirements *that which* have been established by law or rule, other than the passing of the examination and the successful completion of the first year of the professional orientation program or the completion of professional education courses in which the applicant is deficient, may be issued a nonrenewable, 2-year temporary certificate. However, the State Board of Education shall adopt rules to allow for the issuance of one nonrenewable 2-year temporary certificate and one nonrenewable 5-year professional certificate to an individual who holds a bachelor's degree in the area of speech-language *impairment* ~~impaired~~ to allow for completion of a master's degree program in speech-language *impairment* ~~impaired~~, to allow for the issuance of one additional 2-year temporary certificate when the requirements for the professional certificate were not completed because of the serious illness, injury, or other extraordinary, extenuating circumstance of the applicant, or to allow a person employed less than 99 days during the first year of teaching to extend the certificate for 1 additional year. The

department shall issue, pursuant to this section, a certificate upon the written request of the district school superintendent, the governing authority of a developmental research school, or the governing authority of a nonpublic school with an approved professional orientation program.

(f)(e) The commissioner, with the approval of the state board, may assign to a university in the state system the responsibility for printing, administering, scoring, and providing appropriate analysis of the written tests required.

(g)(f) The state board shall adopt as a rule a score the achievement of which shall be required for the issuance of a professional certificate and certain temporary certificates.

(h)(g) Provision shall be made for a person who does not achieve the score necessary for certification to review his completed examination and bring to the attention of the department any errors *that which* would result in a passing score.

(i)(h) The department and the board shall maintain confidentiality of the examination, developmental materials, and workpapers, and the examination, developmental materials, and workpapers shall be exempt from the provisions of s. 119.07(1). This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14. The board shall adopt such rules as may be necessary to accomplish this purpose.

(j)(i) The state board shall designate the certification areas for which subject area tests shall be developed.

Section 26. Paragraph (a) of subsection (2) of section 231.24, Florida Statutes, is amended to read:

231.24 Renewal of certificates.—

(2) For the renewal of a professional certificate, the following requirements shall be met:

(a)1. The applicant shall earn a minimum of 6 college credits or 120 inservice points or a combination thereof. For each area of specialization to be retained on a certificate, the applicant shall earn at least 3 of the required credit hours or equivalent inservice points in the specialization area. Credits or points that provide training to teachers in the area of exceptional student education, *normal child development, and the disorders of development* may be applied toward any specialization area. Credits or points earned through approved summer institutes may be applied toward the fulfillment of these requirements. Inservice points may also be earned by participation in professional growth components approved by the State Board of Education and specified pursuant to s. 236.0811 in the district's approved 5-year master plan for inservice educational training, including, but not limited to, serving as a trainer in an approved teacher training activity or serving on an instructional materials committee or a state board or commission *that which* deals with educational issues.

2. In lieu of college course credit or inservice points, the applicant may renew a specialization area by passage of a state board approved subject area test or by completion of a department-approved summer work program in a business or industry directly related to an area of specialization listed on the certificate. The state board shall adopt rules providing for the approval procedure.

3. In the event an applicant wishes to retain more than two specialization areas on the certificate, the applicant shall be permitted two successive validity periods for renewal of all specialization areas. However, at no time shall *fewer less* than 6 college course credit hours or the equivalent be earned in any one validity period.

Section 27. Paragraph (a) of subsection (2) of section 236.0811, Florida Statutes, is amended to read:

236.0811 Educational training.—

(2)(a)1. Pursuant to rules of the State Board of Education, each district shall develop and submit to the commissioner for approval a 5-year master plan for inservice educational training. The plan shall be based on an assessment of the inservice educational training needs of the district conducted by a committee *that which* includes parents, classroom teachers, and other educational personnel. The plan shall include a component consisting of competencies in the identification, assessment, and prescription of instruction for exceptional students. The plan shall also include a component consisting of competencies in the identification, assessment, and prescription of instruction for child abuse and neglect

prevention and for substance and alcohol abuse prevention. *In addition, the plan must include a component to provide regular training to classroom teachers on advances in the field of normal child development and the disorders of development.* The plan must also include a component consisting of competencies in instruction for multicultural sensitivity in the classroom. The plan shall be updated annually by July 1 and shall include inservice activities for all district employees from all fund sources. Classroom teachers and guidance counselors shall be required to participate in the inservice training for child abuse and neglect prevention, for alcohol and substance abuse prevention education, and for multicultural sensitivity education, which may include negotiation and conflict resolution training. The department shall withhold approval of any district's master inservice plan, as required by this section, which fails to provide and require training in substance abuse prevention education pursuant to s. 233.067(4)(c)1. for all classroom teachers and guidance counselors.

2. The plan of each school district for inservice educational training submitted pursuant to this paragraph must include inservice components *that which* may be used for extension of a certificate or a new endorsement in each of the following areas: a study of the middle grades, understanding the student in the middle grades, organizing interdisciplinary instruction in the middle grades, curriculum development in the middle grades, developing critical thinking and creative thinking in students in the middle grades, counseling functions of the teacher in the middle grades, developing creative learning materials for the middle grades, and planning and evaluating programs in the middle grades. The department is authorized to waive one or more of these inservice areas if the district can document its unsuccessful attempt to secure a competent trainer or sufficient enrollment or when the department determines that specific validated competencies may be substituted in lieu of such inservice areas. The State Board of Education shall adopt rules necessary to implement the provisions of this subparagraph.

Section 28. Section 239.403, Florida Statutes, is created to read:

239.403 After-school hours programs.—

(1)(a) The Legislature finds that adolescents and pre-adolescents benefit from after-school activities and interaction supervised by adults, especially adolescents who otherwise might spend the time unsupervised in areas in which crime or vandalism flourish. The Legislature intends to provide encouragement and means to school districts to plan and implement coordinated programs of wholesome after-school activities for adolescents, with special attention to programs that are successful in enrolling and maintaining the attendance of adolescents who are economically disadvantaged. To meet this intent, a program should appeal to children whose parents are able to pay fees adequate to support the program as well as to children who need financial assistance. However, all programs should include some economically disadvantaged children.

(b) The Legislature encourages school districts to use state funds provided for these programs to build upon or extend similar programs already available so that they serve more children. These programs should not replace or supplant privately supported programs.

(2) To use funds appropriated for after-school programs under this section, a school district must submit to the Commissioner of Education a plan for implementing an after-school program for children in grades 6 through 8. The district school board shall serve as fiscal agent. The plan must identify the locations where services will be provided and may include public school property or other sites that meet safety requirements for group activity of the type proposed. Sites must be located to provide easy access by parents, especially parents of economically disadvantaged children.

(3) The plan must describe how the school district will coordinate with other local organizations.

(a) The policies and procedures for operation and access for the program must be determined by an interagency board and described in an interagency agreement. The planning board must include eligible students and their parents, and may include representatives of other organizations that have expertise with children or adolescents. These organizations may include school advisory councils, community-based organizations, juvenile justice councils, child care providers, the Department of Health and Rehabilitative Services, service organizations of local students, business-education partnerships, and not-for-profit agencies. Any local organization providing assistance must agree in writing with the supervising agency regarding the use and maintenance of equipment or facilities. School districts are encouraged to seek opportunities for contracting or cooperating with other organizations to provide needed services.

(b) To provide the maximum number of services to adolescents and their families, all agencies or programs that deal with children, especially teenagers, should be involved in planning the program.

(c) Personnel to whom adolescents in the program are assigned are not required to be certified pursuant to s. 231.17, but must comply with screening requirements pursuant to ss. 231.02 and 231.1713.

(4) A plan must include the estimated number of participants in the program and the estimated percentage who are economically disadvantaged. The plan must describe strategies for marketing the program and encouraging participation by the intended population. Students who are members of the intended population should participate in the planning and recruitment process.

(5) The activities to be provided by the program should be based upon a needs assessment that includes a survey of the students who are to be in the program, including students who are expected to pay fees and those whose fees are to be paid by the state. A program must provide at least the following activities:

(a) Recreation, especially intramural sports with appropriate facilities and equipment.

(b) Time and assistance for students to do homework or school projects.

(c) Other activities that are developmentally appropriate for adolescents, including time to socialize, read for recreation, or engage in self-directed unstructured activities.

(6) The program must assure that no eligible student is denied access because he lacks transportation.

(7) The program may charge differentiated fees based on a student's ability to pay. State funds may be used to pay fees for a student who is economically disadvantaged or who is recommended to the program by a school guidance counselor or an official of a participating agency who has knowledge of the student's need for supervised activity after school. Program planners are encouraged to provide funding for students who are at-risk, even if these at-risk students are not economically disadvantaged.

(8) The Legislature, in the General Appropriations Act, shall determine the allocation of funds provided for after-school programs.

(9) Each school district must evaluate the program based on the participation rate of its intended population. The participation rate is determined by dividing the average daily attendance in the program by the number of students who attended the program at least one day during a grading period. The intended population is all students in grades 6 through 8 who are eligible for free or reduced-price lunch and whose parents are unable to provide adult supervision during the hours of 3:00 to 6:00 pm. The intended population also includes students in grades 6 through 8 who are recommended by the school district, a state agency, or another participating organization. The district must also report the participation rate of fee-paying students.

(10) The district school board must maintain a record of the attendance of each student for whom the state provides funding, and must calculate the per-student cost per day for their participation.

(11) Annually the Commissioner of Education shall rank the programs based on their participation rates and cost per day for participation, and shall analyze programs with high participation and efficiency rates and provide technical assistance to program administrators so that successful practices may be disseminated statewide.

(12) If a school sponsors a program or a component of a program implemented under this section, the principal must annually report the status of the program to the school advisory council. This report may be part of the annual school report. If a program is sponsored by a district school board rather than a school, the district advisory council has the responsibilities described in this subsection. The status report must include a description of how the program affected the achievement of Goal 5 of the School Reform and Accountability Act, the number of students who participated, the number who did not participate, the expenditures by type, and the evaluation report. If a district or school advisory council requests further evaluation of the program's success, the principal or district school board may use state funds to contract for the evaluation or to conduct the evaluation. If further evaluation is conducted, it must include a survey of students who participated in the program and of students who did not.

(13) The State Board of Education may adopt rules to implement this section.

Section 29. (1) The Legislature intends that state and local agencies serving children and families work together to improve the well-being of children, preserve and promote the stability and self-sufficiency of families, prevent unnecessary out-of-home care for children, and help all children to succeed in school. State agencies, district school boards, and local governments are strongly encouraged to use state and local funds to match federal funds within the goals stated in this section.

(2) The Governor shall designate a task force for optimization of federal funding participation to analyze opportunities for increasing state participation in federal funding programs that serve children and families, including Title IV-A, Emergency Assistance and Child Care; Title IV-E; and Title XIX of the Social Security Act. The task force must include the Commissioner of Education, the secretary of the Department of Health and Rehabilitative Services, and the secretary of the Department of Labor and Employment Security. The task force shall be housed within the Executive Office of the Governor for administrative purposes. Members of the task force shall be entitled to per diem and travel expenses in accordance with section 112.061, Florida Statutes. The task force shall review the reports from the local simulated matching programs authorized in this section, analyze opportunities for increasing state participation in federal funding programs, including the feasibility of authorizing local matching of federal funds, and submit a report with recommendations by January 1, 1995, to the President of the Senate, the Speaker of the House of Representatives, and the appropriations committees of the Senate and the House of Representatives.

(3) The Legislature authorizes simulated matching programs to improve state participation in federal funding programs by identifying state and local funds to match federal funds. In order to represent urban and rural areas and each service district of the Department of Health and Rehabilitative Services, one or more simulated matching programs are authorized in each of the following counties: Alachua, Broward, Dade, Duval, Flagler, Gadsden, Highlands, Hillsborough, Lee, Marion, Martin, Palm Beach, Pinellas, Santa Rosa, and Seminole.

(4) The following criteria and procedures apply to each simulated matching program:

(a) Each state agency, district school board, or local governmental entity that simulates a match of federal funds from sources including, but not limited to, Title IV-A, Emergency Assistance and Child Care; Title IV-E; or Title XIX of the Social Security Act, in excess of the amount of federal funds which is appropriated by the Legislature to that agency, board, or entity in fiscal year 1994-1995, shall create a plan for investing the amount of the new or additional funds to improve or expand services provided for children and families.

(b) Each such district school board or local governmental entity shall establish a collaborative planning process for the use of the funds consistent with the intent of subsection (1). The county commission and the district school board shall designate an interagency collaborative planning body that must include, at a minimum, representatives of the public schools, county and municipal governments, the local health and human services board, and public and private community agencies that serve children and families. The county commission and the district school board shall give consideration to designating an existing community council that meets the membership requirements. Each collaborative planning body shall prepare a report that describes the planning process, lists the participants, identifies unmet needs of families and children, and shows the anticipated receipt of federal funds that could be received through collaborative service delivery, the planned use of funds for the next fiscal year, and the actual use of funds in the preceding fiscal year. The report must be submitted to the task force for optimization of federal funding participation and the appropriations committees of the Senate and the House of Representatives by November 1, 1994.

(c) For purposes of the simulated matching programs, each state agency that receives federal funds under Title IV-A, Emergency Assistance and Child Care; Title IV-E; or Title XIX of the Social Security Act or other federal programs that serve children and families to be matched by the agency shall set guidelines and standards for other state agencies, district school boards, and local governmental entities to use in submitting claims for federal reimbursement consistent with federal and state laws and regulations. The guidelines must provide that an agency, board, or entity that submitted a claim and received federal reimbursement therefor would be liable for any federal disallowance caused by failure to follow a federal or state requirement.

(d) The Department of Health and Rehabilitative Services shall establish procedures that would permit a state agency, district school board, or local governmental entity to retain the nonfederal matching share and permit the passing through of such federal reimbursements to the agency, board, or entity.

(e) Each state agency that improves its process of matching federal funds under Title IV-A, Emergency Assistance and Child Care; Title IV-E; and Title XIX of the Social Security Act during the 1994-1995 fiscal year must report to each county conducting a simulated matching program the amount of new federal funds which was received through an improved matching process in programs in that county.

(5) If the Legislature authorizes local matching of federal dollars as a state policy, those counties conducting simulated matching programs under this act shall be the first counties authorized to implement the policy.

(6) This section expires July 1, 1996.

Section 30. The Department of Education must develop rules that would deny eligibility to participate in interscholastic athletic activities to any male student identified as a nonresponsible father. The department must submit the rules to the State Board of Education by September 1, 1994.

Section 31. This act shall take effect July 1, 1994.

And the title is amended as follows:

Strike everything before the enacting clause and insert: A bill to be entitled An act relating to education; clarifying responsibilities of the Department of Education, school districts, and child care providers for meeting the first state education goal, readiness to start school; requiring the Department of Education to develop a state plan for the Chapter I program; prohibiting a school district from reporting for funding any kindergarten students unless the district has collected the key data elements for the first state education goal; amending s. 20.19, F.S.; requiring district administrators of the Department of Health and Rehabilitative Services to cooperate with district school superintendents to meet the first state education goal; amending s. 230.23, F.S.; requiring school districts to cooperate with other agencies to prepare children and families for children's success in school; amending s. 230.2305; requiring school district plans for the prekindergarten early intervention program to state how the program supports the district's efforts to achieve the first state education goal; amending s. 230.33, F.S.; requiring district school superintendents to cooperate with the district administrator of the Department of Health and Rehabilitative Services and administrators of local public and private agencies to meet the first state education goal; creating s. 233.059, F.S.; requiring education for family life and parenthood; amending s. 402.3015, F.S.; requiring subsidized child care programs serving children below age 5 to provide the elements necessary to prepare children for school; requiring central agencies for child care to ensure the quality of the subsidized child care programs serving children below age 5; providing a sanction; requiring the Department of Health and Rehabilitative Services to seek federal waivers if necessary; requiring the Department of Health and Rehabilitative Services and the Department of Education to develop minimum performance standards for all early childhood education and care programs; requiring the departments to submit a joint report to the Legislature recommending performance standards and funding procedures; amending s. 409.933, F.S.; requiring parental activities for AFDC recipients; amending s. 409.938, F.S.; requiring AFDC recipients to submit proof that their children have received standard childhood immunizations; providing sanctions; providing for transfer of funds from the Department of Health and Rehabilitative Services to school districts; amending s. 421.10, F.S.; requiring a housing authority to require certain parental activities in the lease to parents of dependent children; amending s. 411.222, F.S.; requiring the Department of Health and Rehabilitative Services to provide for parenting workshops; establishing the role of the State Coordinating Council for Early Childhood Services to coordinate agency activities to enable school districts to meet the first state education goal, readiness to start school; requiring home economics teachers to be certified as counselors in family life education; amending s. 39.054, F.S.; requiring an agent of the Department of Health and Rehabilitative Services to notify a child's school guidance counselor if the child is found to have committed a delinquent act; amending s. 232.01, F.S.; requiring a parent's permission for a child to drop out of school at a specified age; amending s. 232.19, F.S.; deleting the requirements that school districts provide educational evaluation and the ser-

vices of a school social worker before initiating a petition to declare a habitual truant a child in need of services; amending s. 39.436, F.S.; authorizing the school superintendent to file a petition seeking an adjudication that a child is a child in need of services due to habitual truancy; amending s. 233.061, F.S.; requiring that students be taught the principles of moral and ethical conduct; requiring that students be taught certain common duties and obligations, traditional values, reverence for the institution of marriage, and respect for authority; creating s. 233.0655, F.S.; authorizing district school boards to allow teachers and administrators to read or post certain writings, documents, and records related to American history; providing for distribution of the section; amending s. 235.02, F.S.; providing circumstances under which an educational facility may be used for an activity sponsored by a religious organization; providing for schools to adopt school creeds; prescribing minimum contents of school creeds; requiring each school board to develop a plan for parents to select among public schools for their children's enrollment; requiring school boards to implement the plan by a specified date, subject to the availability of space and exclusive of certain transportation provisions; amending s. 231.17, F.S.; providing requirements for teacher certification; amending s. 231.24, F.S.; authorizing the use of certain training programs for renewal of teaching certificates; amending s. 236.0811, F.S.; providing requirements for school district master plans for the inservice training of teachers; creating s. 239.403, F.S.; providing for school districts to develop after-school programs for adolescents; providing criteria for program plans; specifying the activities to be provided by an after-school program; providing for fees based on a student's ability to pay; providing for after-school programs to be funded by legislative appropriations; requiring school districts to evaluate programs; requiring the Commissioner of Education to rank the programs and provide certain technical assistance; requiring reports; authorizing the State Board of Education to adopt rules; providing legislative intent; requiring the Governor to designate a task force for optimization of federal funding participation; providing for membership and for per diem and travel expenses; requiring a report; authorizing simulated matching programs; establishing criteria and procedures; requiring each state agency that receives federal funds to be matched by the agency to set guidelines and standards for submitting claims for federal reimbursement; requiring that the Department of Health and Rehabilitative Services establish certain procedures; requiring that certain state agencies report to certain counties the amount of new federal funds received; providing an expiration date; requiring the Department of Education to develop rules to deny interscholastic athletic eligibility to any male student who is identified as a nonresponsible father; providing an effective date.

Senators Dudley, Brown-Waite and McKay offered the following amendment to **Amendment 2** which was moved by Senator Dudley and failed:

Amendment 2A (with Title Amendment)—On page 40, line 6 through page 43, line 28, strike all of said lines and insert:

(2) The Legislature, in the General Appropriations Act, shall determine the allocation of funds provided for the after-school program.

And the title is amended as follows:

In title, on page 51, line 24 through page 52, line 3, strike all of said lines and insert: adolescents; providing for after-school programs to be funded by legislative appropriations; providing

The vote was:

Yeas—17 Nays—22

Senator McKay moved the following amendment to **Amendment 2** which was adopted:

Amendment 2B (with Title Amendment)—On page 32, strike all of lines 13-16 and insert: developed by January 1, 1995, and must be implemented, exclusive of any provisions for student transportation, beginning with the 1995-1996 school year.

And the title is amended as follows:

In title, on page 51, strike all of lines 12 and 13 and insert: by a specified date, exclusive of

The vote was:

Yeas—22 Nays—18

Senator Myers moved the following amendment to **Amendment 2** which was adopted:

Amendment 2C—On page 9, line 29, between "for" and "publicly" insert: existing

Senator Turner moved the following amendment to **Amendment 2** which was adopted:

Amendment 2D (with Title Amendment)—On page 47, between lines 15 and 16, insert:

Section 31. Subsection (2) of section 229.555, Florida Statutes, is amended to read:

229.555 Educational planning and information systems.—

(2) **COMPREHENSIVE MANAGEMENT INFORMATION SYSTEMS.**—The commissioner shall develop and implement an integrated information system for educational management. The system shall support, as feasible, the management decisions to be made in each division of the department and at the individual school and district levels. Similar data elements among divisions and levels shall be compatible. The system shall be based on an overall conceptual design; the information needed for such decisions, including fiscal, student *suspension, expulsion, arrest, and criminal records*, program, personnel, facility, community, evaluation, and other relevant data; and the relationship between cost and effectiveness. *Such data shall be available to school districts on demand through electronic transmissions.* The system shall be managed and administered by the commissioner and shall include a district subsystem component to be administered at the district level, with input from the reports-and-forms control management committees. Each district school system with a unique management information system shall assure that compatibility exists between its unique system and the district component of the state system to the extent that all data required as input to the state system shall be made available in the appropriate input format. *Each school district shall maintain the confidentiality of any such information as provided in s. 228.093(3)(d).*

(a) The specific responsibilities of the commissioner shall include:

1. Consulting with school district representatives in the development of the system design model and implementation plans for the management information system for public school education management;
2. Providing operational definitions for the proposed system;
3. Determining the information and specific data elements required for the management decisions made at each educational level, recognizing that the primary unit for information input shall be the individual school and recognizing that time and effort of instructional personnel expended in collection and compilation of data should be minimized;
4. Developing standardized terminology and procedures to be followed at all levels of the system;
5. Developing a standard transmittal format to be used for collection of data from the various levels of the system;
6. Developing appropriate computer programs to assure integration of the various information components dealing with students, personnel, facilities, fiscal, program, community, and evaluation data;
7. Developing the necessary programs to provide statistical analysis of the integrated data provided in subparagraph 6. in such a way that required reports may be disseminated, comparisons may be made, and relationships may be determined in order to provide the necessary information for making management decisions at all levels;
8. Developing output report formats which will provide district school systems with information for making management decisions at the various educational levels;
9. Developing a phased plan for distributing computer services equitably among all public schools and school districts in this state as rapidly as possible. The plan shall describe alternatives available to the state in providing such computing services and shall contain estimates of the cost of each alternative, together with a recommendation for action. In developing such plan, the feasibility of shared use of computing hardware and software by school districts, community colleges, and universities shall be examined. Laws or administrative rules regulating procurement of data processing equipment, communication services, or data processing services by state agencies shall not be construed to apply to local agencies which share computing facilities with state agencies;

10. Assisting the district school systems in establishing their sub-system components and assuring compatibility with current district systems;

11. Establishing procedures for continuous evaluation of system efficiency and effectiveness;

12. Initiating a reports-management and forms-management system to ascertain that duplication in collection of data does not exist and that forms and reports for reporting under state and federal requirements and other forms and reports are prepared in a logical and uncomplicated format, resulting in a reduction in the number and complexity of required reports, particularly at the school level; and

13. Initiating such other actions as are necessary to carry out the intent of the Legislature that a management information system for public school management needs be implemented. Such other actions shall be based on criteria including, but not limited to:

- a. The purpose of the reporting requirement;
- b. The origination of the reporting requirement;
- c. The date of origin of the reporting requirement; and
- d. The date of repeal of the reporting requirement.

(b) The specific responsibilities of each district school system shall include:

1. Establishing, at the district level, a reports-control and forms-control management system committee composed of school administrators and classroom teachers. The district school board shall appoint school administrator members and classroom teacher members; or, in school districts where appropriate, the classroom teacher members shall be appointed by the bargaining agent. Teachers shall constitute a majority of the committee membership. The committee shall periodically recommend procedures to the district school board for eliminating, reducing, revising, and consolidating paperwork and data collection requirements and shall submit to the district school board an annual report of its findings.

2. With assistance from the commissioner, developing systems compatibility between the state management information system and unique local systems.

3. Providing, with the assistance of the department, inservice training dealing with management information system purposes and scope, a method of transmitting input data, and the use of output report information.

4. Establishing a plan for continuous review and evaluation of local management information system needs and procedures.

5. Advising the commissioner of all district management information needs.

6. Transmitting required data input elements to the appropriate processing locations in accordance with guidelines established by the commissioner.

7. Determining required reports, comparisons, and relationships to be provided to district school systems by the system output reports, continuously reviewing these reports for usefulness and meaningfulness, and submitting recommended additions, deletions, and change requirements in accordance with the guidelines established by the commissioner.

8. Being responsible for the accuracy of all data elements transmitted to the department.

(c) It is the intent of the Legislature that the expertise in the state system of public education, as well as contracted services, be utilized to hasten the plan for full implementation of a comprehensive management information system.

(Renumber subsequent section.)

And the title is amended as follows:

In title, on page 52, line 23, after the semicolon (;) insert: amending s. 229.555, F.S., relating to educational planning and information systems; providing duties of the Commissioner of Education and district school systems relating to information on student suspension, expulsion, arrest, and criminal records; providing for maintaining confidentiality of information;

Amendment 2 as amended was adopted.

The Committee on Appropriations recommended the following amendments which were moved by Senator Kirkpatrick and failed:

Amendment 3 (with Title Amendment)—On page 12, line 26, after “program.” insert: *Subject to appropriation, each program that provides subsidized child care under this section must employ at least one state-certified teacher in the child care program.*

And the title is amended as follows:

In title, on page 2, line 6, after the semicolon (;) insert: requiring the employment of state-certified teachers at subsidized child care programs;

Amendment 4 (with Title Amendment)—On page 14, strike all of lines 15-20 and insert:

Section 7. Paragraph (b) of subsection (2) and paragraphs (a) and (e) of subsection (4) of section 411.222, Florida Statutes, are amended to read:

411.222 Intraagency and interagency coordination; creation of offices; responsibilities; memorandum of agreement; creation of coordinating council; responsibilities.—

(2) DEPARTMENT OF HEALTH AND REHABILITATIVE SERVICES.—There is created within the Department of Health and Rehabilitative Services an Office of Prevention, Early Assistance, and Child Development for the purpose of intraagency and interagency planning, policy, and program development and coordination to enhance existing programs and services and to develop new programs and services for high-risk pregnant women and for high-risk preschool children and their families. In order to meet the responsibilities of this chapter, staff shall be assigned to the office no later than September 1, 1989.

(b) Interagency responsibilities.—

1. Perform the joint functions related to the joint strategic plan as specified in s. 411.221.

2. Prepare jointly with the Department of Education a memorandum of agreement pursuant to this section, or other cooperative agreements necessary to implement the requirements of this chapter.

3. Develop, in collaboration with the Department of Education, rules necessary to implement this chapter.

4. Perform the responsibilities enumerated in subparagraphs (a)4.-7. on a statewide basis in conjunction with the Office of Prevention, Early Assistance, and Child Development within the Department of Education.

5. *Subject to appropriation, develop and implement a program of parenting workshops to assist and counsel the parents or guardians of students with disciplinary problems. The department may provide these services directly or enter into contracts with public school districts for the provision of these services.*

And the title is amended as follows:

In title, on page 2, line 23, after the semicolon (;) insert: requiring the Department of Health and Rehabilitative Services to provide for parenting workshops;

Amendment 5 (with Title Amendment)—On page 65, between lines 12 and 13, insert:

Section 42. The Department of Education must develop rules that would deny eligibility to participate in interscholastic athletic activities to any male student identified as a nonresponsible father. The department must submit the rules to the State Board of Education by September 1, 1994.

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 6, line 5, after the semicolon (;) insert: requiring the Department of Education to develop rules to deny interscholastic athletic eligibility to any male student who is identified as a nonresponsible father;

On motions by Senator Siegel, by two-thirds vote **CS for SB 2014** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—38 Nays—None

Consideration of SB 130 was deferred.

THE PRESIDENT PRESIDING

On motion by Senator Weinstein, by two-thirds vote HB 291 was withdrawn from the Committee on Criminal Justice.

On motion by Senator Weinstein, the rules were waived and—

HB 291—A bill to be entitled An act relating to the confidentiality of DNA analysis information; amending s. 760.40, F.S., which provides an exemption from public records requirements for DNA analysis results held by public entities; revising the exemption and saving it from repeal; amending s. 943.325, F.S., which provides an exemption from public records requirements for DNA analysis results and comparison of analytic results of specimens submitted to the Department of Law Enforcement; revising the exemption and saving it from repeal; providing findings of public necessity; providing an effective date.

—a companion measure, was substituted for SB 328 and read the second time by title.

Senator Weinstein moved the following amendment which was adopted:

Amendment 1 (with Title Amendment)—Strike everything after the enacting clause and insert:

Section 1. Notwithstanding the October 1, 1994, repeal specified in section 119.14(3)(a), Florida Statutes, paragraph (a) of subsection (2) of section 760.40, Florida Statutes, is reenacted and amended to read:

760.40 Genetic testing; informed consent; confidentiality.—

(2)(a) Except for purposes of criminal prosecution, except for purposes of determining paternity as provided in s. 742.12(1), and except for purposes of acquiring specimens from persons convicted of certain offenses as provided in s. 943.325, DNA analysis may be performed only with the informed consent of the person to be tested, and the records, results, and findings of such DNA analysis covered by this paragraph, whether held by a public or private entity, are the exclusive property of the person tested, are confidential, and may not be disclosed without the consent of the person tested. Such information records, results, and findings held by a public entity is are exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

Section 2. The Legislature finds that exempting from the public records law the results of a DNA analysis is a public necessity in that harm caused by releasing such information outweighs any public benefit derived from the release. Analysis of the DNA structure or gene composition is performed on a consensual basis generally for the purpose of determining whether an individual might be predisposed to a particular disease. Should this information be known, it is possible that the individual could be discriminated against when seeking financial assistance, such as a mortgage, loan, or credit, or when applying for employment or an educational opportunity. Such personal, sensitive information should be afforded the same protection as that of any other medical information in that it should not be released without the consent of the person on which the test was performed.

Section 3. Notwithstanding the October 1, 1994, repeal specified in section 119.14(3)(a), Florida Statutes, subsection (5) and paragraph (b) of subsection (7) of section 943.325, Florida Statutes, are reenacted and amended to read:

943.325 Blood specimen testing for DNA analysis.—

(5) The results of a DNA the analysis and or information derived from the analysis or the comparison of analytic results shall be released only to criminal justice agencies as defined in s. 943.045(10), at the request of the agency. Otherwise, such information is confidential and Documentation associated with the analysis shall be exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

(7) The Department of Law Enforcement shall:

(b) Collect, process, maintain, and disseminate information and records pursuant to this section with due regard to the privacy interests of individuals.

Section 4. The Legislature finds that exempting from the public records law the results of a DNA analysis and any comparison of the analytic results is a public necessity in that the harm of releasing such information outweighs any public benefit derived from releasing such information. Uncontrolled dissemination of the results could result in unscientific or unscrupulous “matches” which could be used to challenge or confuse investigative or judicial findings, thus hindering the effective and efficient administration of the Department of Law Enforcement in completing criminal investigations. In addition, removal of the protection afforded this information could jeopardize the department’s access to the national DNA analysis database, thus hindering the effective and efficient administration of future investigations. The department provides the comparison of the results to those criminal justice agencies which have a need to know such information in order to conduct criminal investigations.

Section 5. Notwithstanding the October 1, 1994, repeal specified in section 119.14(3)(a), Florida Statutes, subsection (2) of section 741.29, Florida Statutes, is reenacted and amended to read:

741.29 Domestic violence; investigation of incidents; notice to victims of legal rights and remedies; reporting.—

(2) When a law enforcement officer investigates an allegation that an incident of domestic violence, as defined in s. 741.30, has occurred, the officer shall handle the incident pursuant to the arrest policy provided in s. 901.15(7)(a), and as developed in accordance with subsections (3), (4), and (5). Whether or not an arrest is made, the officer shall make a written police report of the alleged incident indicating, as prescribed by the Florida Department of Law Enforcement, that the alleged offense was an incident of domestic violence. Such report shall include a description of physical injuries observed, if any, and the reasons if no arrest was made, and shall indicate that a copy of the legal rights and remedies notice was given to the victim. Whenever possible, the law enforcement officer shall obtain a written statement from the victim and witnesses concerning the alleged domestic violence. The officer shall submit the report to the supervisor or other person to whom the employer’s rules or policies require reports of similar allegations of criminal activity to be made. The law enforcement officer’s supervisor shall, without charge, send a copy of the initial police report, which excludes victim/witness statements or other materials that are deemed to be a part of an active criminal investigation and are exempt from disclosure under chapter 119 as defined in s. 119.07(3)(d), to the nearest locally certified domestic violence center within 24 hours of the agency’s receipt of the report.

Section 6. Notwithstanding the October 1, 1994, repeal specified in section 119.14(3)(a), Florida Statutes, subsection (5) of section 760.50, Florida Statutes, is reenacted and amended to read:

760.50 Discrimination on the basis of acquired immune deficiency syndrome, acquired immune deficiency syndrome related complex, and human immunodeficiency virus prohibited.—

(5) Every employer who provides or administers health insurance benefits or life insurance benefits to its employees shall develop and implement procedures to maintain the confidentiality of all records and information in its possession relating to the medical condition or status of any person covered by such the health insurance benefits or life insurance benefits which it provides or administers. Such information in the possession of a public employer is exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14. An employer shall be liable in damages to any person damaged by its failure to implement such a procedure.

Section 7. Notwithstanding the October 1, 1994, repeal specified in section 119.14(3)(a), Florida Statutes, section 796.08, Florida Statutes, is reenacted and amended to read:

796.08 Screening for HIV and sexually transmissible diseases; providing penalties.—

(1)(a) For the purposes of this section, “sexually transmissible disease” means a bacterial, viral, fungal, or parasitic disease, determined by rule of the Department of Health and Rehabilitative Services to be sexually transmissible, a threat to the public health and welfare, and a disease for which a legitimate public interest is served by providing for regulation and treatment.

(b) In considering which diseases are designated as sexually transmissible diseases, the Department of Health and Rehabilitative Services shall consider such diseases as chancroid, gonorrhea, granuloma inguinale, lymphogranuloma venereum, genital herpes simplex, chlamydia, nongonococcal urethritis (NGU), pelvic inflammatory disease (PID)/acute salpingitis, syphilis, and human immunodeficiency virus infection for designation and shall consider the recommendations and classifications of the Centers for Disease Control and other nationally recognized authorities. Not all diseases that are sexually transmissible need be designated for purposes of this section.

(2) A person arrested under s. 796.07 may request screening for a sexually transmissible disease under direction of the Department of Health and Rehabilitative Services and, if infected, shall submit to appropriate treatment and counseling. A person who requests screening for a sexually transmissible disease under this subsection must pay any costs associated with such screening.

(3) A person convicted under s. 796.07 of prostitution or procuring another to commit prostitution must undergo screening for a sexually transmissible disease, including, but not limited to, screening to detect exposure to the human immunodeficiency virus, under direction of the Department of Health and Rehabilitative Services. If the person is infected, he or she must submit to treatment and counseling prior to release from probation, community control, or incarceration. Notwithstanding the provisions of s. 384.29, the results of tests conducted pursuant to this subsection shall be made available by the Department of Health and Rehabilitative Services to the offender, medical personnel, appropriate state agencies, state attorneys, and courts of appropriate jurisdiction in need of such information in order to enforce the provisions of this chapter.

(4) A person who commits prostitution or procures another for prostitution and who, prior to the commission of such crime, had tested positive for a sexually transmissible disease other than human immunodeficiency virus infection and knew or had been informed that he or she had tested positive for such sexually transmissible disease and could possibly communicate such disease to another person through sexual activity commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. A person may be convicted and sentenced separately for a violation of this subsection and for the underlying crime of prostitution or procurement of prostitution.

(5) A person who commits prostitution or procures another for prostitution by engaging in sexual activity in a manner likely to transmit the human immunodeficiency virus and who, prior to the commission of such crime, had tested positive for human immunodeficiency virus and knew or had been informed that he or she had tested positive for human immunodeficiency virus and could possibly communicate such disease to another person through sexual activity commits criminal transmission of HIV, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, s. 775.084, or s. 775.087(7). A person may be convicted and sentenced separately for a violation of this subsection and for the underlying crime of prostitution or procurement of prostitution.

(6)(a) The Department of Health and Rehabilitative Services or its authorized representatives may examine or cause to be examined any person or inmate who injures an officer as defined in s. 943.10(14), a firefighter, or a paramedic or emergency medical technician acting within the scope of employment. Evidence of injury and a statement by a licensed physician that the nature of the injury is such as to result in the transmission of a sexually transmissible disease constitutes probable cause for issuance of a warrant by a court of competent jurisdiction.

(b) The results of any test authorized by this subsection shall be released ~~are exempt from the requirements of s. 384.29 solely for the purpose of releasing the results to the injured employee after a licensed physician documents in the medical records of the injured employee that the information is medically necessary to determine the course of treatment for the injured employee. Otherwise, such test results are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.~~

(c) Any A person who receives the results of an HIV test pursuant to this subsection shall maintain the confidentiality of such test results and the identities of the person on whom the test was performed and ~~who injured~~ the officer, firefighter, paramedic, or emergency medical technician. Anyone who violates this provision commits a misdemeanor of the

first degree, punishable as provided in s. 775.082 or s. 775.083. ~~The identities of the person who is the source of the injury and the injured officer, firefighter, paramedic, or emergency medical technician are confidential and exempt from the provisions of s. 119.07(1). This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.~~

Section 8. Notwithstanding the October 1, 1994, repeal specified in section 119.14(3)(a), Florida Statutes, subsections (1) and (2) of section 951.27, Florida Statutes, are reenacted and amended to read:

951.27 Blood tests of inmates.—

(1) Each county and each municipal detention facility shall have a written procedure developed, in consultation with the facility medical provider, establishing conditions under which an inmate will be tested for infectious disease, including human immunodeficiency virus pursuant to s. 775.0877, which procedure is consistent with guidelines of the Centers for Disease Control and recommendations of the Correctional Medical Authority. It is not unlawful for the person receiving the test results to divulge the test results to the sheriff or chief correctional officer. ~~However, such information is exempt from the provisions of ss. 119.01 and 119.07.~~

(2) ~~Except as otherwise provided in this subsection, serologic blood test results obtained pursuant to subsection (1) are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14. However, such results may be provided to except they may be shared with employees or officers of the sheriff or chief correctional officer who are responsible for the custody and care of the affected inmate and have a need to know such information, and as provided in ss. 775.0877 and 960.003. In addition, 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 results of any HIV test performed on an inmate who has been arrested for any sexual offense involving oral, anal, or vaginal penetration by, or union with, the sexual organ of another, 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. In such cases, the county or municipal detention facility shall furnish the test results to the Department of Health and Rehabilitative Services, which is responsible for disclosing the results to public health agencies as provided in s. 775.0877 and to the victim or the victim's legal guardian, or the parent or legal guardian of the victim if the victim is a minor, as provided in s. 960.003(3). No person to whom the results of a test have been disclosed under this section may disclose the test results to another person not authorized under this section.~~

Section 9. Notwithstanding the October 1, 1994, repeal specified in section 119.14(3)(a), Florida Statutes, subsections (1), (3), (4), and (6) of section 960.003, Florida Statutes, are reenacted and amended to read:

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

(1) LEGISLATIVE INTENT.—The Legislature finds that a victim of a criminal offense which involves the transmission of body fluids 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 HIV test results. ~~The Legislature finds that HIV test results can be disclosed to the victim of a criminal offense which involves the transmission of body fluids while confidentiality is protected in other respects.~~

(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 or to the person convicted of or adjudicated delinquent for any the offense enumerated in s. 775.0877(1)(a)-(l), which involves the transmission of body fluids from one person to another, and, upon request, to the victim or the victim's legal guardian, or the parent or legal guardian of the

victim if the victim is a minor, and to public health agencies pursuant to s. 775.0877. If the alleged offender is a juvenile, the test results shall also be disclosed to the parent or guardian. *Otherwise, HIV test results obtained pursuant to this section are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution and The test results shall not be disclosed to any other person except as expressly authorized by law or court order. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.*

(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(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) **POSTCONVICTION 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.~~

(6) **TESTING DURING INCARCERATION, DETENTION, OR PLACEMENT; DISCLOSURE.**—In any case in which a person convicted of or adjudicated delinquent for an 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 *in accordance with the provisions of subsection (3) 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 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 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 *the provisions of 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 10. The Legislature finds that exempting test results of certain infectious diseases, including HIV and sexually transmissible diseases, is a public necessity in that harm caused by releasing such information outweighs any public benefit derived from releasing such information. Information relating to such test results is of a sensitive and personal nature which could be embarrassing to the individual. Such information could also be used to discriminate against the individual to which the test results pertain.

Section 11. This act shall take effect October 1, 1994.

And the title is amended as follows:

In title, strike everything before the enacting clause and insert: A bill to be entitled An act relating to public records; reenacting and amending s. 760.40(2)(a), F.S., which provides an exemption from public records requirements for DNA analysis results held by public entities; revising

the exemption and saving it from repeal; reenacting and amending s. 943.325(5) and (7)(b), F.S., which provides an exemption from public records requirements for DNA analysis results and comparison of analytic results of specimens submitted to the Department of Law Enforcement; revising the exemption and saving it from repeal; providing findings of public necessity; reenacting and amending s. 741.29(2), F.S., which requires the exclusion of victims' and witnesses' statements and active investigative materials from police domestic violence reports that are forwarded to domestic violence centers; restating and continuing that exclusion; reenacting and amending s. 760.50(5), F.S., which provides an exemption from public records requirements for medical information held by a public employer; revising the exemption and saving it from repeal; reenacting and amending s. 796.08, F.S., which provides an exemption from public records requirements for test results for sexually transmissible diseases and HIV relating to a person who injures an officer, firefighter, paramedic, or emergency medical technician; revising the exemption and saving it from repeal; reenacting and amending s. 951.27(1) and (2), F.S., which provides an exemption from public records requirements for blood test results of inmates; revising the exemption and saving it from repeal; reenacting and amending s. 960.003(1), (3), (4), and (6), F.S., which provides an exemption from public records requirements for test results of persons convicted or charged with certain offenses; revising the exemption and saving it from repeal; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

On motions by Senator Weinstein, by two-thirds vote **HB 291** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39 Nays—None

SB 580—A bill to be entitled An act relating to consumer protection; amending s. 501.0125, F.S.; defining the term "reasonable and fair service fee" for health studios; amending s. 501.016, F.S.; clarifying certain health studio exemptions; amending s. 501.615, F.S.; providing restrictions on telephonic sales by commercial telephone sellers; clarifying the procedure for receipt of a refund, credit, or replacement; amending s. 559.904, F.S.; removing proof of liability insurance from application for motor vehicle repair shop registration; amending s. 559.927, F.S.; clarifying sellers of travel exemptions; providing an effective date.

—was read the second time by title.

The Committee on Professional Regulation recommended the following amendment which was moved by Senator Sullivan and adopted:

Amendment 1 (with Title Amendment)—On page 5, between lines 15 and 16, insert:

Section 6. Section 501.145, Florida Statutes, is created to read:

501.145 Bedding Label Act.—

(1) **SHORT TITLE.**—This section may be cited as the Bedding Label Act.

(2) **DEFINITIONS.**—For the purpose of this section the term:

(a) "Bedding" means any mattress, box spring, pillow, or cushion made of leather or any other material which is or can be stuffed or filled in whole or in part with any substance or material, which can be used by any human being for sleeping or reclining purposes.

(b) "Department" means the Department of Agriculture and Consumer Services.

(3) "Enforcing authority" means the Department of Agriculture and Consumer Services or the Department of Legal Affairs.

(4) **PROHIBITED ACTS.**—All bedding manufactured and sold in the state that contains any previously used materials must bear a conspicuous label notifying the consumer of that fact. The label must be at least one inch by two inches in dimension, specifically describe the used materials contained in the bedding, and declare the amount present in the bedding. The label must be stitched or otherwise firmly attached to the bedding in such a manner that it may be seen by consumers prior to purchase. Used material does not mean new components that are made from recycled material.

(5) **PENALTIES.**—The enforcing authority may bring an action for injunctive relief against any person who violates the provisions of this section. Any person who knowingly sells bedding which contains used material that is not labeled in accordance with this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or 775.083.

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 1, line 14, after the second semicolon (;) insert: creating s. 501.145, F.S.; prohibiting certain acts relating to bedding; providing for disclosure; providing criminal and civil penalties; providing for enforcement by the Department of Agriculture and Consumer Services or the Department of Legal Affairs;

Senator Sullivan moved the following amendment which was adopted:

Amendment 2—On page 4, lines 6 and 7, strike “or with the Passenger Network Service Corporation”

Senator Silver moved the following amendment:

Amendment 3 (with Title Amendment)—On page 2, between lines 14 and 15, insert:

Section 3. Subsection (5) and paragraph (a) of subsection (6) of section 501.059, Florida Statutes, are amended to read:

501.059 Telephone solicitation.—

(5)(a) A contract made pursuant to a telephonic sales call is not valid and enforceable against a consumer unless made in compliance with this subsection.

(b) A contract made pursuant to a telephonic sales call:

1. Shall be reduced to writing and signed by the consumer.
2. Shall comply with all other applicable laws and rules.
3. Shall match the description of goods or services as principally used in the telephone solicitations.
4. Shall contain the name, address, and telephone number of the seller, the total price of the contract, and a detailed description of the goods or services being sold.
5. Shall contain, in bold, conspicuous type, immediately preceding the signature, the following statement:

“You are not obligated to pay any money unless you sign this contract and return it to the seller.”

6. May not exclude from its terms any oral or written representations made by the telephone solicitor to the consumer in connection with the transaction.

(c) The provisions of this subsection do not apply to contractual sales regulated under other sections of the Florida Statutes, or to the sale of financial services, security sales, or sales transacted by companies or their wholly owned subsidiaries or agents, which companies are regulated by chapter 364, or to the sale of cable television services to the duly franchised cable television operator’s existing subscribers within that cable television operator’s franchise area.

(d) *The provisions of this subsection do not apply to a transaction:*

1. *Made in accordance with prior negotiations in the course of a visit by the consumer to a merchant operating a retail business establishment that has a fixed permanent location and where consumer goods are displayed or offered for sale on a continuing basis;*
2. *In which the consumer may obtain a full refund for the return of undamaged and unused goods or a cancellation of services notice to the seller within 7 days after receipt by the consumer, and the seller will process the refund within 30 days after receipt of the returned merchandise by the consumer;*
3. *In which the consumer purchases goods or services pursuant to an examination of a television, radio, or print advertisement or a sample, brochure, or catalogue of the merchant that contains;*

a. *The name, address, and telephone number of the merchant;*

b. *A description of the goods or services being sold; and*

c. *Any limitations or restrictions that apply to the offer; or*

4. *In which the merchant is a bona fide charitable organization or a newspaper as defined in chapter 50.*

(6)(a) A merchant who engages a telephone solicitor to make or cause to be made a telephonic sales call shall not make or submit any charge to the consumer’s credit card account or make or cause to be made any electronic transfer of funds until after the merchant receives from the consumer a copy of the contract, signed by the purchaser, which complies with this section.

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 1, line 6, following the semicolon (;) insert: amending s. 501.059, F.S.; exempting certain telephone solicitations from statutory requirements; prescribing limits on electronic transfers of funds by merchants who make sales through telephone solicitation;

Senator Silver moved the following amendment to **Amendment 3** which was adopted:

Amendment 3A—On page 2, line 16 through page 3, line 10, strike all of said lines and insert: franchise area, or to any sales where no prior payment is made to the merchant and an invoice accompanies the goods or services allowing the consumer 7 days to cancel or return without obligation for any payment.

Amendment 3 as amended was adopted.

Senator Siegel moved the following amendment which was adopted:

Amendment 4 (with Title Amendment)—On page 2, between lines 14 and 15, insert:

Section 3. Section 501.2105, Florida Statutes, is amended to read:

501.2105 Attorney’s fees.—

(1) In any civil litigation resulting from an act or practice involving a violation of this part, except as provided in subsection (5), the prevailing party, after judgment in the trial court and exhaustion of all appeals, if any, may shall receive his reasonable attorney’s fees and costs from the nonprevailing party.

(2) The attorney for the prevailing party shall submit a sworn affidavit of his time spent on the case and his costs incurred for all the motions, hearings, and appeals to the trial judge who presided over the civil case.

(3) The trial judge may shall award the prevailing party the sum of reasonable costs incurred in the action plus a reasonable legal fee for the hours actually spent on the case as sworn to in an affidavit.

(4) Any award of attorney’s fees or costs shall become a part of the judgment and subject to execution as the law allows.

(5) In any civil litigation initiated by the enforcing authority, the court may award to the prevailing party reasonable attorney’s fees and costs if the court finds that there was a complete absence of a justiciable issue of either law or fact raised by the losing party or if the court finds bad faith on the part of the losing party.

(6) In any administrative proceeding or other nonjudicial action initiated by an enforcing authority, the attorney for the enforcing authority may certify by sworn affidavit the number of hours and the cost thereof to the enforcing authority for the time spent in the investigation and litigation of the case plus costs reasonably incurred in the action. Payment to the enforcing authority of the sum of such costs may be made by stipulation of the parties a part of the final order or decree disposing of the matter. The affidavit shall be attached to and become a part of such order or decree.

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 1, line 6, after the semicolon (;) insert: amending s. 501.2105, F.S.; providing for discretionary award of attorney’s fees to the prevailing party in an action for an unfair and deceptive trade practice;

On motions by Senator Sullivan, by two-thirds vote **SB 580** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—38 Nays—None

SB 1362—A bill to be entitled An act relating to the Indian River Lagoon System and Basin; amending s. 2, ch. 90-262, Laws of Florida; authorizing the Department of Environmental Protection to grant extensions to the deadline for eliminating sewage treatment facility discharges into the Indian River Lagoon System; prescribing criteria that the department must follow in granting an extension; providing for the duration of an extension; updating the name of the department; providing an effective date.

—was read the second time by title. On motions by Senator Grogan, by two-thirds vote **SB 1362** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—34 Nays—4

SENATOR KISER PRESIDING

CS for SB 1386—A bill to be entitled An act relating to traffic enforcement; amending s. 316.640, F.S.; authorizing airport authority police and community college police to enforce the traffic laws of the state; defining traffic enforcement agencies for purposes of receiving traffic citations; providing an effective date.

—was read the second time by title. On motions by Senator Kurth, by two-thirds vote **CS for SB 1386** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39 Nays—None

CS for SB 1392—A bill to be entitled An act relating to road designations; codesignating a portion of S.W. 3rd Avenue in Miami as Manolo Reyes Way; codesignating a portion of Collins Avenue as Jose Marti Way; codesignating a portion of S.W. 22nd Street in Miami as Ernesto Montaner Memorial Way; directing the Department of Transportation to erect suitable markers; providing an effective date.

—was read the second time by title.

Senator Diaz-Balart moved the following amendment:

Amendment 1 (with Title Amendment)—Strike everything after the enacting clause and insert:

Section 1. Collins Avenue from Lincoln Road to 23rd Street in Miami Beach is codesignated as Jose Marti Way. The Department of Transportation is directed to erect suitable markers codesignating that portion of Collins Avenue as Jose Marti Way.

Section 2. (1) S.W. 3rd Avenue from 26th Road to 27th Road in Miami is designated as Manolo Reyes Way. The Department of Transportation is directed to erect suitable markers codesignating that portion of S.W. 3rd Avenue as Manolo Reyes Way.

(2) S.W. 22nd Street known as Coral Way from 29th Avenue to 30th Avenue in Miami is codesignated as Ernesto Montaner Memorial Way. The Department of Transportation is directed to erect suitable markers codesignating that portion of S.W. 22nd Street.

Section 3. The Unit 1 building at the Florida City State Farmers' Market is designated as the Joe C. Mitchell Administration Building. The Department of Management Services is directed to erect suitable markers at the farmers market designated by this act.

Section 4. The new Brickell Avenue bridge in Miami is dedicated to the memory of Roy F. Kenzie. The Department of Transportation shall take the necessary actions to assist the friends of Roy F. Kenzie to erect a plaque to be funded by those friends of Roy F. Kenzie and to be placed on the Brickell Avenue bridge that links downtown Miami and the Brickell Avenue financial district.

Section 5. (1) The portion of U.S. Highway 27 in Polk County which crosses U.S. Highway 17/92 (Department of Transportation No. 160059, southbound, and No. 160039, northbound) is designated the "General James A. Van Fleet Bridge."

(2) The Department of Transportation is directed to erect suitable markers designating the "General James A. Van Fleet Bridge."

Section 6. Section 15.0391, Florida Statutes, is created to read:

15.0391 Official state rodeo.—The Silver Spurs Rodeo, a world class sporting event and the largest rodeo east of the Mississippi River, which is held biennially in Osceola County for top professional cowboys and cowgirls to compete for a chance to be one of the Professional Rodeo Cowboys Association's world champions, is designated an official state rodeo.

Section 7. Section 15.0445, Florida Statutes, is created to read:

15.0445 Official state renaissance festival.—The Italian Renaissance Festival presented at Vizcaya by Renaissance Historical Society of Florida, Inc., a not-for-profit educational corporation, during the third week in March of each year is hereby designated an official state renaissance festival.

Section 8. This act shall take effect upon becoming a law.

And the title is amended as follows:

In title, strike everything before the enacting clause and insert: A bill to be entitled An act relating to state designations; codesignating a portion of Collins Avenue as Jose Marti Way; codesignating a portion S.W. 3rd Avenue as Manolo Reyes Way; codesignating a portion of S.W. 22nd Street as Ernesto Montaner Memorial Way; directing the Department of Transportation to erect suitable markers; designating the Unit 1 building at the Florida City State Farmers' Market as the Joe C. Mitchell Administration Building; directing the Department of Management Services to erect suitable markers; dedicating the Brickell Avenue bridge in Miami; designating a portion of U.S. Highway 27 in Polk County as the "General James A. Van Fleet Bridge"; providing for markers; creating s. 15.0391, F.S.; designating the Silver Spurs Rodeo in Osceola County as an official state rodeo; creating s. 15.0445, F.S.; designating the Italian Renaissance Festival at Vizcaya as an official renaissance festival of the state; providing an effective date.

Senator Diaz-Balart moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A—In title, on page 1, strike all of lines 12-16 and renumber subsequent sections.

Amendment 1 as amended was adopted.

On motions by Senator Gutman, by two-thirds vote **CS for SB 1392** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—39 Nays—None

CS for SB 1482—A bill to be entitled An act relating to dentistry; amending s. 466.007, F.S.; revising requirements for examination of dental hygienists; providing an effective date.

—was read the second time by title.

Senator Sullivan moved the following amendment which was adopted:

Amendment 1 (with Title Amendment)—On page 1, line 9, strike everything after the enacting clause and insert:

Section 1. Subsections (2) and (3) of section 466.007, Florida Statutes, are amended to read:

466.007 Examination of dental hygienists.—

(2) An applicant shall be entitled to take the examinations required in this section to practice dental hygiene in this state if *the applicant* he:

(a) Is 18 years of age or older.

(b) Is *either*:

1. A graduate of a dental hygiene college or school approved by the board or accredited by the Commission on Accreditation of the American Dental Association or its successor agency; or

2. A graduate of a dental college or school and has met the requirements of subsection (3).

(c)1. Has successfully completed the National Board of Dental Hygiene examination within 10 years of the date of application; or-

2. In the case of a graduate of a dental college or school accredited in accordance with s. 466.006(2)(b), has successfully completed either the National Board of Dental Hygiene Examination or the National Board of Dental Examiners dental examination, within 10 years of the date of application, and received certification by the American Dental Association Joint Commission on National Dental Examinations within 10 years of the date of application.

(3) A graduate of a foreign dental college or school not accredited in accordance with s. 466.006(2)(b) shall be entitled to take the examinations required in this section to practice dental hygiene in this state if, in addition to the requirements specified in subsection (2), the graduate meets the following requirements:

(a) ~~Is 18 years of age or older.~~

(a)(b) Submits the following credentials for review by the board:

1. Transcripts of pre dental education and dental education totaling 7 academic years of postsecondary education, including 4 academic years of dental education; and

2. A dental school diploma which is comparable to a D.D.S. or D.M.D.

Such credentials shall be submitted in a manner provided by rule of the board. The board shall approve those credentials which comply with this paragraph and with rules of the board adopted pursuant to this paragraph. The provisions of this paragraph notwithstanding, an applicant of a foreign dental college or school not accredited in accordance with s. 466.006(2)(b) who cannot produce the credentials required by this paragraph, as a result of political or other conditions in the country in which he received his education, may seek the board's approval of his educational background by submitting, in lieu of the credentials required in this paragraph, such other reasonable and reliable evidence as may be set forth by board rule. The board shall not accept such other evidence until it has made a reasonable attempt to obtain the credentials required by this paragraph from the educational institutions the applicant is alleged to have attended, unless the board is otherwise satisfied that such credentials cannot be obtained.

(b)(e) ~~Successfully completes one or more courses, of a scope and duration approved and defined by board rule, that meet the requirements of law for instructing health care providers on the human immunodeficiency virus and acquired immune deficiency syndrome. In addition, the board may require an applicant who graduated from a nonaccredited dental college or school to successfully complete additional coursework, as defined by board rule, at an educational institution approved by the board or accredited as provided in paragraph (2)(b)1. Successfully completes a coursework of study, as approved and defined by board rule at an established Dental Hygiene Program accredited by the Commission on Accreditation of the American Dental Association or its successor agency, or approved by the board. This program shall be limited to unlicensed dentists who are graduates of foreign dental schools. A demonstration of competency in radiography and a clinical competency assessment by performance of a prophylaxis on a patient, at an accredited dental hygiene program, for evaluation of clinical skills only, shall be required. The applicant shall be responsible for all costs of the comprehensive examination and clinical assessment. A minimum of 12 months or 19 semester hours of supervised clinical and didactic education which may be completed simultaneously shall be required before graduation from the program. The 19 semester hours will include, but not be limited to, 12 semester hours of clinic, 5 semester hours of didactic coursework, and 2 semester hours of medical emergencies, including CPR certification and AIDS course requirements as defined by rule. The laws and rules of the state regulating the practice of dental hygiene shall be offered in a course separate and apart from the required 19 semester hours. A graduate of a foreign dental college or school not accredited in accordance with s. 466.006(2)(b) may not take the coursework set forth in this paragraph until the board has approved the credentials required by paragraph (a) (b).~~

(d) ~~Successfully completes the National Board of Dental Hygiene examination and certified by the American Dental Association Joint Commission on National Dental Examinations within 10 years of the date of application.~~

Section 2. Paragraph (jj) is added to subsection (1) of section 466.028, Florida Statutes, to read:

466.028 Grounds for disciplinary action; action by the board.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(jj) Advertising specialty services in violation of this chapter.

Section 3. For the purpose of incorporating the amendments to sections 466.006 and 466.028, Florida Statutes, in references thereto, section 466.011, Florida Statutes, is reenacted to read:

466.011 Licensure.—The board shall certify for licensure by the department any applicant who satisfies the requirements of s. 466.006 or s. 466.007. The board may refuse to certify an applicant who has violated any of the provisions of s. 466.026 or s. 466.028.

Section 4. Section 466.0282, Florida Statutes, is created to read:

466.0282 Specialties.—

(1) A dentist licensed under this chapter may not hold himself out as a specialist unless the dentist:

(a) Has completed a specialty educational program approved by the American Dental Association and the Commission on Dental Accreditation;

(b) Is eligible for examination by a national specialty board recognized by the American Dental Association;

(c) Is a diplomat of a national specialty board recognized by the American Dental Association; or

(d) Has continuously held himself out as a specialist in a recognized specialty since December 31, 1964.

(2) Notwithstanding the provisions of subsection (1), a dentist may state that his practice is limited to one or more types of specialty services recognized by the American Dental Association when this is true, provided the dentist states whether the service will be performed by a general dentist or a specialist.

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

And the title is amended as follows:

In title, on page 1, line 1, strike everything before the enacting clause and insert: A bill to be entitled An act relating to dentistry; amending s. 466.007, F.S.; revising requirements for examination of dental hygienists; amending s. 466.028, F.S.; providing an additional ground for disciplinary action by the Board of Dentistry; reenacting s. 466.011, F.S., relating to licensure, to incorporate the amendments to ss. 466.006 and 466.028, F.S., in references thereto; creating s. 466.0282, F.S.; providing requirements for dentists holding themselves out as specialists; providing an effective date.

On motions by Senator Hargrett, by two-thirds vote **CS for SB 1482** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

On motion by Senator Silver, by two-thirds vote **HB 563** was withdrawn from the Committee on Criminal Justice.

On motion by Senator Silver, the rules were waived and—

HB 563—A bill to be entitled An act relating to information identifying sexual offense victims; providing that s. 794.03, F.S., which prohibits the publication or broadcasting of such information, shall not be subject to legislative review and October 1, 1994, repeal under the Open Government Sunset Review Act; providing for future review and repeal; providing an effective date.

—a companion measure, was substituted for **SB 130** and read the second time by title.

Senator Silver moved the following amendment which was adopted:

Amendment 1 (with Title Amendment)—On page 1, strike all of lines 13-20 and insert:

Section 1. Notwithstanding the October 1, 1994, repeal specified in section 119.14(3)(a), Florida Statutes, section 794.03, Florida Statutes, is reenacted and amended to read:

794.03 Unlawful to publish or broadcast information identifying sexual offense victim.—No person shall print, publish, or broadcast, or cause or allow to be printed, published, or broadcast, in any instrument of mass communication the name, address, or other identifying fact or information of the victim of any sexual offense within this chapter. *Such identifying information is confidential and exempt from the provisions of s. 119.07(1). This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.* An offense under this section shall constitute a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 2. The exemption from the public records law prescribed in section 794.03, Florida Statutes, is necessary to protect information of a sensitive personal nature concerning sexual offense victims.

Section 3. This act shall take effect October 1, 1994.

And the title is amended as follows:

In title, on page 1, strike all of lines 2-9 and insert: An act relating to confidentiality of information identifying a sexual offense victim; reenacting and amending s. 794.03, F.S.; restating the exemption from the public records law provisions for such information; providing for future review and repeal of the exemption; providing an effective date.

On motions by Senator Silver, by two-thirds vote **HB 563** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

THE PRESIDENT PRESIDING

Consideration of **CS for SB 2176** was deferred.

SB 190—A bill to be entitled An act relating to educational enhancement; providing for the issuance of Florida educational license plates by the Department of Highway Safety and Motor Vehicles; prescribing duties of the department with respect to such license plates; prescribing fees for such plates; prescribing uses of the proceeds from such license plates in enhancing educational programs; providing for automatic deauthorization of the plates in certain circumstances; providing an effective date.

—was read the second time by title.

The Committee on Transportation recommended the following amendment which was moved by Senator Jennings and adopted:

Amendment 1—On page 4, line 9, strike “July 1, 1994,” and insert: upon becoming a law,

Senator Jennings moved the following amendment which was adopted:

Amendment 2—On page 3, strike all of lines 8 and 9 and renumber subsequent subsections.

On motions by Senator Jennings, by two-thirds vote **SB 190** as amended was read the third time by title, passed by the required constitutional three-fifths vote of the membership, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SENATOR DANTZLER PRESIDING

SB 394—A bill to be entitled An act relating to energy-conservation contracts; authorizing the state to enter into contracts with a qualified provider or providers to reduce energy or operating costs of state-owned buildings or state-owned hospitals through energy-conservation measures; providing definitions; providing procedures; prescribing contract provisions; providing for public hearings; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 3, strike all of lines 26 and 27 and insert: Statutes, and the bid requirements of section 287.057, Florida Statutes, do not apply.

Senator Silver moved the following amendment which was adopted:

Amendment 2 (with Title Amendment)—On page 1, line 14 through page 4, line 27, strike all of said lines and insert:

Section 1. Energy efficiency contracting.—

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

(a) “Agency” means the state, a municipality, a school district or school board, or another political subdivision.

(b) “Energy-conservation measure” means a training program or facility alteration that reduces energy consumption or operating costs and includes:

1. Insulation of the building structure and systems within the building.

2. Storm windows and doors, caulking or weatherstripping, multiglazed windows and doors, heat-absorbing, or heat-reflective, glazed and coated window and door systems, additional glazing, reductions in glass area, and other window and door system modifications that reduce energy consumption.

3. Automatic energy-control systems.

4. Heating, ventilating, or air-conditioning system modifications or replacements.

5. Replacement or modifications of lighting fixtures to increase the energy efficiency of the lighting system without increasing the overall illumination of a facility, unless an increase in illumination is necessary to conform to the applicable state or local building code for the lighting system after the proposed modifications are made.

6. Energy-recovery systems.

7. Cogeneration systems that produce steam or forms of energy such as heat, as well as electricity, for use primarily within a building or complex of buildings.

8. Energy-conservation measures that provide long-term operating cost reductions and significantly reduce Btu consumed.

(c) “Energy savings” means a measured reduction in fuel and energy costs created from the implementation of one or more energy-conservation measures when compared with an established baseline for previous fuel and energy costs.

(d) “Guaranteed-energy-savings contract” means a contract for the evaluation and recommendation of energy-conservation measures, including the design and installation of equipment to implement one or more of such measures. The contract may cover repair or replacement of existing equipment in a state-owned building or a state-owned hospital, professional fees, and financing charges to be paid from the energy savings less agreed-upon inflation factors, and maintenance services if applicable.

(e) “Qualified provider” means a person or business that is licensed under chapter 471, chapter 481, or chapter 489, Florida Statutes, and is experienced in the design, implementation, or installation of energy-conservation measures through guaranteed-energy-savings contracts.

(2) PROCEDURES.—

(a) An agency may enter into a guaranteed-energy-savings contract with a qualified provider or providers to significantly reduce energy or operating costs of an agency-owned building or an agency-owned hospital through one or more energy-conservation measures.

(b) Before entering into the contract, the agency must obtain from a qualified provider or providers a report that summarizes the costs of the energy-conservation measures and provides an estimate of the amount the energy or operating costs will be reduced.

(c) After a review of the report, the agency may enter into a contract if it finds that the amount it would spend on the energy-conservation measures is not likely to exceed the amount to be saved in energy and operating costs for 10 years from the date of installation if the recommendations in the report were followed and if the qualified provider or providers gives a written guarantee that the energy or operating cost savings will meet or exceed the costs of the system. The contract may provide for installment payments for a period not to exceed 10 years.

(d) A qualified provider or providers must be selected in compliance with section 287.055, Florida Statutes; except that if fewer than three firms are qualified to perform the required services, the requirement for agency selection of three firms, as provided in section 287.055(4)(b), Florida Statutes, does not apply or the bid requirements of section 287.057, Florida Statutes.

(e) Before entering into a contract under this section, an agency must provide published notice of the meeting in which it proposes to award the contract, the names of the parties to the proposed contract, and the contract's purpose.

(3) CONTRACT PROVISIONS.—

(a) A guaranteed-energy-savings contract must include a written energy guarantee by the qualified provider or providers that savings will meet or exceed the cost of energy-conservation measures.

(b) The contract must provide that all payments, except obligations on termination of the contract before its expiration, may be made over time, but not to exceed 10 years from the date of complete installation and acceptance by the state, and that the savings are guaranteed to the extent necessary to make payments for the systems.

(c) The contract must require that a qualified provider or providers to whom the contract is awarded provide a 100-percent project value bond to the state for its faithful performance, as required by chapter 287, Florida Statutes.

(d) The contract must provide for payments of not less than one-tenth of the price to be paid within 2 years from the date of the complete installation and acceptance by the state, and the remaining costs to be paid at least quarterly, not to exceed a 10-year term.

(e) The contract may extend beyond the fiscal year in which it becomes effective; however, the term of any contract expires at the end of each fiscal year and may be automatically renewed annually up to 10 years, subject to the agency making sufficient annual appropriations based upon

And the title is amended as follows:

In title, on page 1, strike all of lines 3-6 and insert: contracts; authorizing agencies to enter into contracts with qualified providers to reduce energy or operating costs of agency-owned buildings or agency-owned

On motions by Senator Silver, by two-thirds vote **SB 394** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1200—A bill to be entitled An act relating to fees for agricultural services; amending s. 585.002, F.S.; increasing maximum fee for certain services; amending s. 585.61, F.S.; increasing laboratory fees; providing an effective date.

—was read the second time by title. On motions by Senator Casas, by two-thirds vote **SB 1200** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 2248—A bill to be entitled An act relating to education; amending ss. 20.15, 231.614, 235.15, 235.199, 239.237, 240.118, 288.047, 446.011, 446.041, 446.052, 616.21, F.S.; changing the name of the Division of Vocational, Adult, and Community Education of the Department of Education to the Division of Applied Technology and Adult Education; providing an effective date.

—was read the second time by title. On motions by Senator Johnson, by two-thirds vote **SB 2248** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

CS for SB 1640—A bill to be entitled An act relating to adult congregate living facilities; amending s. 400.404, F.S.; exempting from regulation certain facilities where the residents nominate the board directors, and certain facilities in existence for a specified period of time which are owned by a fraternal organization; amending s. 408.036, F.S.; exempting from regulation certain private retirement-community facilities; amending s. 440.051, F.S.; exempting specified facilities from regulation as nursing homes; providing effective dates.

—was read the second time by title.

Senator Kirkpatrick moved the following amendments which were adopted:

Amendment 1—On page 2, line 24 through page 3, line 6, strike all of said lines and insert:

(i) A 50-percent increase in nursing home beds for a facility incorporated and operating in this state for at least 60 years on or before July 1, 1988, which has a licensed nursing home facility located on a campus providing a variety of residential settings and supportive services. The increased nursing home beds shall be for the exclusive use of the campus residents. Any application on behalf of an applicant meeting this requirement shall be subject to the base fee of \$5,000 provided in s. 408.038.

(j) Combination within one nursing home facility of the beds or services authorized by two or more certificates of need issued in the same planning subdistrict.

(k) Division into two or more nursing home

Amendment 2—On page 3, strike all of lines 19-26 and insert:

(j) *For the addition of nursing home beds at a skilled-nursing facility that is part of a retirement community that provides a variety of residential settings and supportive services and that has been incorporated and operated in this state for at least 65 years on or before July 1, 1994. All nursing home beds must not be available to the public, but must be for the exclusive use of the community residents.*

Amendment 3 (with Title Amendment)—On page 4, strike all of lines 1-20 and insert:

Section 3. Effective July 1, 1995, paragraphs (j) and (k) are added to subsection (3) of section 408.036, Florida Statutes, as amended by section 19 of chapter 93-214, Laws of Florida, to read:

408.036 Projects subject to review.—

(3) EXEMPTIONS.—Upon request, supported by such documentation as the department requires, the department shall grant an exemption from the provisions of subsection (1):

(j) *For the addition of nursing home beds at a skilled-nursing facility that is part of a retirement community that provides a variety of residential settings and supportive services and that has been incorporated and operated in this state for at least 65 years on or before July 1, 1994. The additional nursing home beds must not be available to the public but must be for the exclusive use of the community residents.*

(k) *For an increase in the bed capacity of a nursing facility licensed under part II of chapter 400 if, after the increase, the total licensed bed capacity of that facility is not more than 60 beds and if the facility has been continuously licensed since 1970 and has received a superior rating on each of its two most recent licensure surveys. An application on behalf of an applicant meeting this requirement is subject to the minimum base fee of \$5,000 as prescribed in s. 408.038.*

A request for exemption under this subsection may be made at any time and is not subject to the batching requirements of this section.

And the title is amended as follows:

In title, on page 1, line 11, strike "facilities;" and insert: facilities and certain increases in bed capacity for certain nursing home facilities;

Senator McKay moved the following amendment which was adopted:

Amendment 4 (with Title Amendment)—On page 1, between lines 16 and 17, insert:

Section 2. Section 651.118, Florida Statutes, is amended to read:

651.118 *Agency for Health Care Administration Department of Health and Rehabilitative Services*; certificates of need; sheltered beds; community beds.—

(1) The provisions of this section shall control in the case of conflict with the provisions of the Health Facility and Services Development Act, ss. 408.031-408.045 ~~ss. 381.701-381.715~~; the provisions of chapter 395; or the provisions of parts II and III of chapter 400.

(2) The *Agency for Health Care Administration Department of Health and Rehabilitative Services* shall issue a certificate of need to any holder of a provisional certificate of authority pursuant to s. 651.022 to construct nursing home beds for the exclusive use of the prospective residents of the proposed continuing care facility if the holder of the provisional certificate of authority meets the *agency's Department of Health and Rehabilitative Services'* applicable review criteria, utilizing the bed need provisions of subsection (4).

(3) Nursing home beds located within a continuing care facility for which a certificate of need is issued pursuant to subsection (2) shall be known as sheltered nursing home beds.

(4) The *Agency for Health Care Administration Department of Health and Rehabilitative Services* shall approve one sheltered nursing home bed for every four proposed residential units, *including those that are licensed under part III of chapter 400*, in the continuing care facility unless the provider demonstrates the need for a lesser number of sheltered nursing home beds based on proposed utilization by prospective residents or demonstrates the need for additional sheltered nursing home beds based on actual utilization and demand by current residents.

(5) Construction on any sheltered nursing home beds *may shall* not begin until the holder of the provisional certificate of authority has been issued a certificate of authority *under pursuant to* s. 651.021 and a certificate of need from the *Agency for Health Care Administration Department of Health and Rehabilitative Services*.

(6) Unless the provider already has a component *that which* is to be a part of the continuing care facility and *that which* is licensed *under pursuant to* chapter 395, or part II or part III of chapter 400 at the time of construction of the continuing care facility, the provider *must shall* construct the nonnursing home portion of the facility and the nursing home portion of the facility at the same time. If a provider constructs less than the number of residential units approved in the certificate of authority, the number of licensed sheltered nursing home beds shall be reduced by a proportionate share.

(7) Notwithstanding the provisions of subsection (2), at the discretion of the continuing care provider, sheltered nursing home beds may be used for persons who are not residents of the facility, and who are not parties to a continuing care contract, for a period of up to 5 years *after from* the date of issuance of the initial nursing home license.

(8) *A provider may petition the Agency for Health Care Administration to use a designated number of sheltered nursing home beds to provide extended congregate care as defined in s. 400.402(11) if the beds are in a distinct area of the nursing home which can be adapted to meet the requirements for extended congregate care. The provider may subsequently use such beds as sheltered beds after notifying the agency of the intended change.*

(9)(9) This section *does shall* not preclude a continuing care provider from applying to the *Agency for Health Care Administration Department of Health and Rehabilitative Services* for a certificate of need for community nursing home beds or a combination of community and sheltered nursing home beds. Any nursing home bed located in a continuing care facility that is or has been issued for nonrestrictive use shall retain its legal status as a community nursing home bed unless the provider requests a change in status. Any nursing home bed located in a continuing care facility and not issued as a sheltered nursing home bed prior to 1979 *must shall* be classified as a community bed. The *Agency for Health Care Administration Department of Health and Rehabilitative Services* may require continuing care facilities to submit bed utilization reports for the purpose of determining community and sheltered nursing home bed inventories based on historical utilization by residents and nonresidents.

(10)(9) Whenever the *Agency for Health Care Administration Department of Health and Rehabilitative Services* has been appointed receiver of a provider pursuant to the provisions of part I of chapter 631, the receiver may petition, upon approval of the court having jurisdiction as being in the best interest of the residents, the *Agency for Health Care Administration Department of Health and Rehabilitative Services* for the conversion of sheltered nursing home beds of the facility to community nursing home beds. The *agency Department of Health and Rehabilitative Services* shall, upon petition of the receiver and through an expedited review, issue a certificate of need converting the sheltered nursing home beds to community nursing home beds. The court having jurisdiction of the delinquency proceeding shall enforce the provisions of this section.

(11)(10) For a provider issued a provisional certificate of authority after July 1, 1986, to operate a facility not previously regulated under this chapter, the following criteria shall be met in order to obtain a certificate of need for sheltered beds pursuant to subsections (2), (3), (4), (5), (6), and (7):

(a) Seventy percent or more of the current residents hold continuing care agreements pursuant to s. 651.011(2) or, if the facility is not occupied, 70 percent or more of the prospective residents will hold continuing care agreements pursuant to s. 651.011(2) as projected in the feasibility study and demonstrated by the provider's marketing practices; and

(b) The continuing care agreements entered into or to be entered into by 70 percent or more of the current residents or prospective residents pursuant to s. 651.011(2) shall provide nursing home care for a minimum of 360 cumulative days, and the holders of the continuing care agreements shall be charged at rates which are 80 percent or less than the rates charged by the provider to persons receiving nursing home care who have not entered into continuing care agreements pursuant to s. 651.011(2).

(12) *A facility that is under administrative supervision for financial problems pursuant to s. 651.114 may petition the Agency for Health Care Administration for the conversion of sheltered beds to community nursing home beds in accordance with the corrective-action plan approved by the department. The agency shall, upon petition by the facility and through an expedited review, issue a certificate of need converting the sheltered nursing home beds to community nursing home beds.*

(Renumber subsequent section.)

And the title is amended as follows:

In title, on page 1, line 3, after the semicolon (;) insert: amending s. 651.118, F.S.; amending provisions that govern the allowable number and uses of sheltered nursing home beds in continuing care retirement communities; replacing the Department of Health and Rehabilitative Services with the Agency for Health Care Administration as the agency administering this section;

On motion by Senator Kirkpatrick, by two-thirds vote **CS for SB 1640** 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—1

RECONSIDERATION

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

CS for SB 1640—A bill to be entitled An act relating to adult congregate living facilities; amending s. 400.404, F.S.; exempting from regulation certain facilities where the residents nominate the board directors, and certain facilities in existence for a specified period of time which are owned by a fraternal organization; amending s. 408.036, F.S.; exempting from regulation certain private retirement-community facilities; amending s. 440.051, F.S.; exempting specified facilities from regulation as nursing homes; providing effective dates.

—passed as amended.

Senators McKay and Kirkpatrick offered the following amendment which was moved by Senator Kirkpatrick and adopted:

Amendment 5—In title, on page 1, strike line 2 and insert: An act relating to long-term care

On motions by Senator McKay, CS for SB 1640 as amended was read by title, passed, ordered engrossed and then by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39 Nays—None

SB 1046—A bill to be entitled An act relating to the discretionary sales tax for local-government infrastructure; amending s. 212.055, F.S.; amending the purposes for which certain local governments may use the tax proceeds; amending provisions relating to state-agency regulatory functions, to conform to the transfer of legal authorities and actions of the Department of Natural Resources and the Department of Environmental Regulation to the Department of Environmental Protection, under s. 3 of ch. 93-213, Laws of Florida; providing an effective date.

—was read the second time by title.

The Committee on Finance, Taxation and Claims recommended the following amendment which was moved by Senator Kirkpatrick and adopted:

Amendment 1—On page 3, lines 9 and 20, after “less” insert: *pursuant to the U. S. Department of Commerce, Bureau of the Census, 1990 Census of Population and Housing*

The Committee on Finance, Taxation and Claims recommended the following amendment which was moved by Senator Jones and adopted:

Amendment 2 (with Title Amendment)—On page 4, between lines 4 and 5, insert:

Section 2. In addition to the uses authorized by section 212.055(2), Florida Statutes, the board of county commissioners of Alachua County may use local government infrastructure surtax revenues for operation and maintenance of parks and recreation programs and facilities established with the proceeds of the surtax.

Section 3. In addition to the uses authorized by section 212.055(2), Florida Statutes, the board of county commissioners of Alachua County and the municipalities of Alachua County may establish one or more trust funds using local government infrastructure surtax revenues to provide a permanent endowment for operation and maintenance of parks and recreation programs and facilities established with the proceeds of the surtax in accordance with section 2 of this act.

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 1, line 12, after the semicolon (;) insert: authorizing the Board of County Commissioners of Alachua County and each of the governing boards of the municipalities within the county to use the proceeds of the local government infrastructure surtax for the operation and maintenance of parks and recreation programs and facilities established with the proceeds of the surtax; authorizing the establishment of trust funds;

On motions by Senator Jones, by two-thirds vote **SB 1046** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—38 Nays—None

SB 670—A bill to be entitled An act relating to the confidentiality of social security numbers; amending s. 193.114, F.S.; providing for the exemption from s. 24, Art. I of the State Constitution and from s. 119.07(1), F.S., of social security numbers submitted on applications for a homestead tax exemption; providing a statement of public necessity for exempting such information from the public records law and s. 24, Art. I of the State Constitution; providing for future review of the exemption; providing an effective date.

—was read the second time by title.

Senator Wexler moved the following amendment which was adopted:

Amendment 1 (with Title Amendment)—On page 2, between lines 14 and 15, insert:

Section 3. Paragraph (ee) is added to subsection (3) of section 119.07, Florida Statutes, to read:

119.07 Inspection, examination, and duplication of records; exemptions.—

(3)

(ee) *The social security numbers of all state employees contained in state employment records are exempt from the provisions of subsection (1) and exempt from s. 24(a), Art. I of the State Constitution.*

Section 4. The Legislature finds that exempting from the public records law the social security numbers contained in state employment records is a public necessity, in that the social security number provides access to private information about the employee such as financial and health information and that disclosure of a state employee's social security number would constitute an unwarranted invasion of personal privacy.

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 1, line 12, after the semicolon (;) insert: amending s. 119.07, F.S.; providing for an exemption of social security numbers of state employees contained in state employment records from the public records law; providing a statement of public necessity for exempting such information from the public records law and s. 24, Art. I of the State Constitution;

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

Yeas—40 Nays—None

CS for CS for SB 200—A bill to be entitled An act relating to the solicitation of contributions; amending s. 496.404, F.S.; defining the term “department” as used in ss. 496.401-496.424, F.S., the Solicitation of Contributions Act; amending ss. 496.404, 496.405, 496.406, 496.407, 496.409, 496.410, 496.411, 496.412, 496.414, 496.415, 496.418, 496.419, 496.420, 496.423, and 496.424, F.S.; substituting the Department of Agriculture and Consumer Services for the Division of Consumer Services, as the entity responsible for certain duties; amending s. 496.405, F.S.; revising the procedure that charitable organizations and sponsors must follow in registering with the department; establishing and increasing registration fees; amending s. 496.406, F.S.; revising provisions relating to exemptions from registration requirements; establishing a filing fee; amending s. 496.409, F.S.; increasing registration fee for professional fundraising consultants; amending s. 496.410, F.S.; increasing registration fee for professional solicitors; revising the time period within which professional solicitors must file with the department certain information relating to solicitation campaigns; amending s. 496.419, F.S.; requiring the department to report criminal violations of the Solicitation of Contributions Act to the proper prosecuting authorities; amending s. 496.422, F.S.; requiring registration reminders in the Department of State's annual report notices; creating s. 496.426, F.S.; providing additional registration and solicitation requirements for sponsors; reviving and readopting ss. 496.401-496.424, F.S., the Solicitation of Contributions Act and abrogating the scheduled repeal of the act; providing an effective date.

—was read the second time by title.

Senator Forman moved the following amendment which was adopted:

Amendment 1 (with Title Amendment)—On page 29, strike all of lines 21-31 and insert:

Section 15. Section 496.413, Florida Statutes, is amended to read:

496.413 Contributions solicited for or accepted on behalf of a named individual.—

(1) Contributions solicited for, or accepted by or on behalf of, a named individual must be deposited in a trust account opened by a trustee named in a properly established trust document or must be deposited in a depository established in accordance with s. 69.031. The circuit court has jurisdiction over the contributed funds placed in such depository accounts.

(2) Disbursements of contributions may be properly made from a trust account only upon written verification from the trustee that the disbursement is in furtherance of the purpose for which the funds were solicited, with documentation reflecting the identity of the proposed payee and the justification for the proposed payment. Disbursements of contributed funds from a depository account may be made only as allowed by the court. *When a trust account is to be closed and a balance remains in that account in excess of the amount needed for the benefit of the named individual, such excess funds may be transferred to another trust account for the benefit of another named individual who is in the same or similar circumstances.*

(3) Any person or organization that violates the provisions of subsection (1) or subsection (2) is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 16. Subsections (1), (3), and (4) of section 496.423, Florida Statutes, are amended to read:

496.423 Public information; annual report.—

(1) The ~~department division~~ shall develop a public information program, which should include a plan to distribute information to the public, to further the purposes of ss. 496.401-496.424.

(3) The program shall include information concerning:

(a) The laws governing solicitations, including registration and disclosure requirements, prohibited acts, and penalties;

(b) The means by which the public can report suspected violations or file a complaint; and

(c) *Information on how trust accounts for named individuals may be established and issues that should be considered in the establishment of trust accounts for named individuals, including the necessity of securing a tax-identification number from the Internal Revenue Service before opening an account; and*

(d)(e) Any other information the ~~department division~~ believes will assist the public in making knowledgeable and informed decisions concerning contributions.

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 2, line 2, following the semicolon (;) insert: amending s. 496.413, F.S.; providing for the disbursement of excess funds in a trust account; amending s. 496.423, F.S.; providing for a plan of distribution of information; providing for expansion of the public information program;

On motions by Senator Dyer, by two-thirds vote **CS for CS for SB 200** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—35 Nays—3

SB 364—A bill to be entitled An act relating to the prekindergarten early intervention program; amending s. 230.2305, F.S.; requiring demonstration of certain knowledge by principals and other school district administrative and supervisory personnel having direct responsibility for the program; providing an effective date.

—was read the second time by title.

The Committee on Education recommended the following amendments which were moved by Senator Myers and adopted:

Amendment 1—On page 2, line 22, strike “July” and insert: *October July*

Amendment 2—On page 2, line 27, after “society” insert: *in a manner established by the State Board of Education by rule*

On motions by Senator Myers, by two-thirds vote **SB 364** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—39 Nays—None

SB 660—A bill to be entitled An act relating to public school instruction; amending s. 233.061, F.S., relating to required instruction; requiring the teaching of the history of the Holocaust; providing an effective date.

—was read the second time by title.

The Committee on Education recommended the following amendments which were moved by Senator Silver and adopted:

Amendment 1—On page 1, strike all of lines 29-31 and insert:

(f) The history of the Holocaust (1933-1945), the systematic, planned annihilation of European Jews and other groups by Nazi Germany, a watershed event in

Amendment 2—On page 3, strike line 2 and insert: *teachings of the child's religious affiliation ~~their church~~, is shall be exempt from*

Senator Silver moved the following amendment which was adopted:

Amendment 3—On page 3, line 1, after “disease” insert: ,

On motions by Senator Silver, by two-thirds vote **SB 660** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—38 Nays—None

CS for CS for SB 1222—A bill to be entitled An act relating to highway safety and motor vehicles; amending s. 319.25, F.S.; deleting provisions with respect to lists and searches and fees with respect to cancellation of certificates of title; amending s. 320.02, F.S.; authorizing license inspectors to issue notice of violations; providing penalties; amending s. 320.05, F.S.; providing for lists and searches and fees with respect to certain documents; repealing s. 316.71, F.S., relating to the suspension or delay of specified functions and requirements, and the imposition of specified fees relating to highway safety and motor vehicles; repealing s. 320.866, F.S., relating to the collection of fees for lists of licensed dealers and manufacturers; amending s. 320.06, F.S.; revising provisions with respect to the form of certain registration license plates; amending s. 320.0605, F.S., relating to certificate of registration; revising period of applicability; creating s. 320.0657, F.S.; providing for permanent registration and for fleet license plates; amending s. 320.08, F.S.; revising provisions with respect to license taxes on heavy trucks and truck tractors; creating s. 320.08035, F.S.; providing for reduced dimension license plates for certain disabled persons; amending s. 320.0805, F.S.; providing for personalized prestige license plates for lessees of motor vehicles; amending s. 320.08065, F.S.; revising provisions with respect to Florida panther license plates; amending s. 320.08066, F.S.; revising provisions with respect to manatee license plates; repealing s. 3(7), ch. 89-168, Laws of Florida, which provides for the repeal of s. 320.08066, F.S., on January 1, 1995; amending s. 320.0808, F.S.; providing for the issuance of Challenger license plates to lessees; amending s. 320.0809, F.S.; providing for the issuance of collegiate license plates to lessees; amending s. 320.083, F.S.; providing that certain license plates available to amateur radio operators shall be available for lessees of motor vehicles; amending s. 320.089, F.S.; authorizing lessees to receive certain license plates; amending s. 320.0895, F.S.; revising provisions with respect to Florida Salutes Veterans license plates; amending s. 320.0896, F.S.; providing for the issuance of special olympics license plates to lessees; amending s. 320.1325, F.S.; prohibiting the issuance of temporarily employed registration plates to any commercial motor vehicle; providing for the issuance to lessees; amending s. 320.18, F.S.; providing provisions with respect to the canceling of registration; amending s. 320.27, F.S.; redefining the term “motor vehicle dealer”; providing that motor vehicle dealers may sell certain recreational vehicles at wholesale and prohibiting such dealers from purchasing such vehicles for resale; amending s. 320.77, F.S., authorizing licensed mobile home and recreational vehicle dealers to sell vehicles at certain auctions; amending ss. 320.8231, 320.824, F.S.; conforming cross-references; amending s. 320.8285, F.S.; revising provisions with respect to onsite inspection; amending s. 325.202, F.S., redefining the term “program area”; 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, line 5, after “1,000 or more” insert: nonapportioned commercial

And the title is amended as follows:

In title, on page 1, line 23, after “permanent registration” insert: of certain nonapportioned commercial motor vehicles

Senators Kurth and Kiser offered the following amendment which was moved by Senator Kurth and adopted:

Amendment 2 (with Title Amendment)—On page 19, lines 16-31 and on page 20, lines 1-10, strike all of said lines and insert:

(2) Each owner or lessee of an automobile for private use, truck weighing not more than 5,000 pounds, or recreational vehicle as specified in s. 320.08(9)(c) or (d), which is not used for hire or commercial use, who is a resident of the state and who is a former prisoner of war, or their unremarried surviving spouse, shall, upon application therefor to the department, be issued a license plate as provided in s. 320.06, on which license plate are stamped the words “Ex-POW” followed by the serial number. Each application shall be accompanied by proof that the applicant meets the qualifications specified in paragraph (a) or paragraph (b).

(a) A citizen of the United States who served as a member of the Armed Forces of the United States or the armed forces of a nation allied with the United States who was held as a prisoner of war at such time as the Armed Forces of the United States were engaged in combat, or their unremarried surviving spouse, may be issued the special license plate provided for in this subsection without payment of the license tax imposed by s. 320.08.

(b) A person who was serving as a civilian with the consent of the United States Government, or a person who was a member of the Armed Forces of the United States who was not a United States citizen and was held as a prisoner of war when the Armed Forces of the United States were engaged in combat, or their unremarried surviving spouse, may be issued the special license plate provided for in this subsection upon payment of the license tax imposed by s. 320.08.

And the title is amended as follows:

In title, on page 2, line 16, after “lessees” insert: and the unremarried surviving spouse of an owner or lessee

On motions by Senator Kurth, by two-thirds vote **CS for CS for SB 1222** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—37 Nays—2

SENATOR JENNE PRESIDING

On motion Senator Harden, by two-thirds vote **HB 441** was withdrawn from the Committee on Commerce.

On motion by Senator Harden, the rules were waived and—

HB 441—A bill to be entitled An act relating to fictitious names; amending s. 865.09, F.S.; prohibiting fictitious names from containing certain words or abbreviations; providing a penalty; providing an effective date.

—a companion measure, was substituted for **CS for SB 2176** and read the second time by title.

Senators Bankhead and Harden offered the following amendments which were moved by Senator Bankhead and adopted:

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

Section 1. Effective October 1, 1994, section 205.023, Florida Statutes, is created to read:

205.023 Requirement to report status of fictitious name registration.—As a prerequisite to receiving a local occupational license under this chapter or transferring a business license under s. 205.033(2) or s. 205.043(2), the applicant or new owner must present to the county or municipality that has jurisdiction to issue or transfer the license either:

(1) A copy of the applicant’s or new owner’s current fictitious name registration, issued by the Division of Corporations of the Department of State; or

(2) A written statement, signed by the applicant or new owner, which sets forth the reason that the applicant or new owner need not comply with the Fictitious Name Act.

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 1, line 2, after the semicolon (;) insert: creating s. 205.023, F.S.; providing a prerequisite to obtaining a license to engage in or manage any business, occupation, or profession or to transferring a business license;

Amendment 2 (with Title Amendment)—On page 1, strike all of lines 18 and 19 and insert:

Section 3. Except as otherwise expressly 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, strike all of lines 5 and 6 and insert: providing a penalty; providing effective dates.

Senator Harden moved the following amendment which was adopted:

Amendment 3—On page 1, line 17, strike “pursuant to chapter 607,” and insert: or has obtained a certificate of authority to transact business in this state pursuant to chapter 607 or chapter 617. However, a business incorporated or authorized under chapter 607 or chapter 617 is not required to register the corporate name pursuant to this section unless the name that the corporation intends to conduct business under differs from the corporation’s name as stated in its Articles of Incorporation.

On motions by Senator Harden, by two-thirds vote **HB 441** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—36 Nays—1

CS for SB 428—A bill to be entitled An act relating to financial responsibility for medical expenses of county and municipal prisoners; amending ss. 948.03, 947.146, 947.1405, F.S.; allowing the courts, the control release authority, and the parole commission to require repayment of such expenses as a condition of probation, control release, and conditional release; providing an effective date.

—was read the second time by title. On motions by Senator Brown-Waite, by two-thirds vote **CS for SB 428** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—35 Nays—None

Consideration of **SB 1738** was deferred.

SB 544—A bill to be entitled An act relating to process and service of process; amending s. 30.231, F.S.; increasing sheriffs’ fees for service and providing for levy fees; revising language with respect to expenses; reenacting ss. 11.143(3)(d) and 106.26(1), F.S., relating to standing or select committees and powers of the commission, to incorporate said amendment in references thereto; amending s. 48.021, F.S.; revising language with respect to service of process; authorizing the addition of certain process servers; amending s. 48.183, F.S.; revising provisions relating to service of process in actions for possession of premises; amending s. 83.241, F.S.; revising language with respect to removal of a mobile home tenant; amending s. 83.62, F.S.; revising provisions relating to restoration of possession to landlord; amending s. 723.062, F.S.; providing for execution of writ of possession of mobile home; amending s. 56.21, F.S.; revising provisions relating to execution sales; reenacting s. 56.22, F.S., relating to execution sales, to incorporate said amendment in a reference thereto; amending s. 701.04, F.S.; providing for return of writ of execution on mortgage, lien, or judgment; amending s. 741.2902, F.S., relating to

domestic violence to authorize payment to the sheriff of certain fees; amending s. 784.046, F.S.; providing for service with respect to repeat violence at certain times; amending s. 475.483, F.S., relating to recovery from the Real Estate Recovery Fund; requiring an affidavit; repealing s. 56.24, F.S., relating to execution sales where there is no courthouse; providing an effective date.

—was read the second time by title.

Senator Siegel moved the following amendment which was adopted:

Amendment 1 (with Title Amendment)—On page 5, line 22 through page 6, line 3, strike all of said lines and renumber subsequent sections.

And the title is amended as follows:

In title, on page 1, strike all of lines 10-13 and insert: thereto; amending s. 48.183, F.S.; revising

On motions by Senator Siegel, by two-thirds vote **SB 544** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—39 Nays—None

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Wednesday, March 16, 1994: SM 2664, CS for SB 2014, SB 130, SB 328, SB 580, SB 1362, CS for SB 1386, CS for SB 1392, CS for SB 1482, CS for SB 2176, SB 190, SB 394, SB 1200, SB 2248, CS for SB 1640, SB 1046, SB 670, CS for CS for SB 200, SB 364, SB 660, CS for CS for SB 1222, CS for SB 428, SB 1738, SB 544, SB 1254, SB 16, SB 546, CS for SB 612, SB 638, CS for CS for SB 642, SB 1032, CS for SB 1072, CS for SB 1296, CS for SB 1326, SB 1388, SB 1594, SB 1766, SB 1340, SB 40

Respectfully submitted,
George Kirkpatrick, Chairman

The Committee on Rules and Calendar submits the following bills to be placed on the Local Bill Calendar for Wednesday, March 16, 1994: SB 2932, SB 2938, SB 2940, SB 2944, SB 2946, SB 2950, SB 2952, SB 2954, SB 2956, SB 2958, SB 2960, SB 2962, SB 2966, SB 2968, SB 2970, SB 2972, SB 2974, SB 2976, SB 2980, SB 2982

Respectfully submitted,
George Kirkpatrick, Chairman

The Committee on Corrections, Probation and Parole recommends the following pass: SB 1372

The Committee on Criminal Justice recommends the following pass: SB 2352

The Committee on Governmental Operations recommends the following pass: SB 1034, SB 1878 with 2 amendments

The Committee on Health and Rehabilitative Services recommends the following pass: SB 614, SB 2538

The Committee on Natural Resources and Conservation recommends the following pass: SB 2584 with 1 amendment

The Committee on Personnel, Retirement and Collective Bargaining recommends the following pass: SB 1648, SB 2062

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

The Committee on Criminal Justice recommends the following pass: SB 152 with 1 amendment

The Committee on Health Care recommends the following pass: SB 1532 with 1 amendment, SB 2610 with 1 amendment

The Committee on Health and Rehabilitative Services recommends the following pass: HB 467 with 1 amendment

The Committee on International Trade, Economic Development and Tourism recommends the following pass: SB 1404 with 1 amendment

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

The Committee on Governmental Operations recommends the following pass: SB 2144

The Committee on International Trade, Economic Development and Tourism recommends the following pass: SB 2278

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

The Committee on Natural Resources and Conservation recommends the following pass: SB 616 with 1 amendment

The Committee on Transportation recommends the following pass: SB 2548

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

The Committee on Health and Rehabilitative Services recommends the following pass: SB 2078

The bill was referred to the Committee on Education under the original reference.

The Committee on Community Affairs recommends the following pass: SB 244 with 1 amendment, SB 1436 with 1 amendment, SB 2630

The Committee on Governmental Operations recommends the following pass: SB 2228

The Committee on Judiciary recommends the following pass: SB 2288 with 3 amendments

The Committee on Natural Resources and Conservation recommends the following pass: SB 2498 with 2 amendments

The Committee on Rules and Calendar recommends the following pass: CS for SB 1068

The Committee on Transportation recommends the following pass: SB 2448 with 1 amendment, SB 2554

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

The Committee on Executive Business, Ethics and Elections recommends the following pass: SB 2244 with 1 amendment

The bill was referred to the Committee on Governmental Operations under the original reference.

The Committee on Criminal Justice recommends the following pass: SB 2530

The bill was referred to the Committee on Judiciary under the original reference.

The Committee on Community Affairs recommends the following pass: CS for SB 2372 with 2 amendments

The Committee on Executive Business, Ethics and Elections recommends the following pass: SB 2580

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

The Committee on International Trade, Economic Development and Tourism recommends the following pass: SB 2734 with 1 amendment

The bill was referred to the Committee on Transportation under the original reference.

The Committee on Agriculture recommends the following pass: SB 2208

The Committee on Community Affairs recommends the following pass: SB 1584

The Committee on Criminal Justice recommends the following pass: SB 1692

The Committee on Governmental Operations recommends the following pass: SB 1344

The Committee on Judiciary recommends the following pass: CS for SB 304 with 1 amendment, SB 526, CS for SB 1252 with 1 amendment

The Committee on Natural Resources and Conservation recommends the following pass: SB 1866 with 1 amendment, SB 1954

The Committee on Professional Regulation recommends the following pass: SB 2098

The Committee on Rules and Calendar recommends the following pass: HB 1955, HB 1957, SM 1818, SM 2068, SM 2664

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

The Committee on Agriculture recommends the following not pass: SB 346

The Committee on Executive Business, Ethics and Elections recommends the following not pass: SB 2576

The Committee on Judiciary recommends the following not pass: SB 1256

The Committee on Professional Regulation recommends the following not pass: SB 1924

The bills contained in the foregoing reports were laid on the table.

The Committee on Commerce recommends committee substitutes for the following: SB 480, SB 606, CS for SB 1318

The Committee on Criminal Justice recommends a committee substitute for the following: SB 1176

The Committee on Education recommends a committee substitute for the following: SB 2512

The Committee on Health and Rehabilitative Services recommends a committee substitute for the following: SB 1516 with 3 amendments

The Committee on Judiciary recommends committee substitutes for the following: SB 1868, SB 1950

The Committee on Personnel, Retirement and Collective Bargaining recommends a committee substitute for the following: Senate Bills 302 and 196

The Committee on Professional Regulation recommends committee substitutes for the following: SB 1608, SB 2042, SB 2076, SB 2440, SB 2654

The Committee on Transportation recommends committee substitutes for the following: SB 2056, SB 2156

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 Health Care recommends committee substitutes for the following: SB 238, SB 1512, SB 2070, SB 2738

The Committee on Judiciary recommends committee substitutes for the following: SB 1054, SB 1802

The Committee on Natural Resources and Conservation recommends a committee substitute for the following: SB 2256

The Committee on Professional Regulation recommends committee substitutes for the following: SB 1236, SB 2476

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

The Committee on International Trade, Economic Development and Tourism recommends a committee substitute for the following: SB 2372

The Committee on Natural Resources and Conservation recommends a committee substitute for the following: SB 2192

The Committee on Personnel, Retirement and Collective Bargaining recommends committee substitutes for the following: SB 682, SB 1740

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

The Committee on Criminal Justice recommends committee substitutes for the following: SB 1070, Senate Bills 1564, 1736 and 2194

The bills with committee substitutes attached were referred to the Committee on Corrections, Probation and Parole under the original reference.

The Committee on Commerce recommends a committee substitute for the following: SB 1192

The Committee on Executive Business, Ethics and Elections recommends a committee substitute for the following: SB 2510

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

The Committee on Governmental Operations recommends a committee substitute for the following: SB 2592

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

The Committee on Agriculture recommends a committee substitute for the following: SB 2420

The Committee on Commerce recommends committee substitutes for the following: CS for SB 624, SB 2264, SB 2306, SB 2350, SB 2380, SB 2602

The Committee on Criminal Justice recommends a committee substitute for the following: Senate Bills 534, 1664 and 2368

The Committee on Executive Business, Ethics and Elections recommends a committee substitute for the following: SB 2044

The Committee on Natural Resources and Conservation recommends committee substitutes for the following: SB 1350, SB 1534

The Committee on Professional Regulation recommends committee substitutes for the following: SB 2046, SB 2540

The Committee on Transportation recommends committee substitutes for the following: SB 1922, SB 2456

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

The Committee on Corrections, Probation and Parole recommends a committee substitute for the following: SB 1880

The Committee on Judiciary recommends a committee substitute for the following: SB 2004

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

The Committee on Health and Rehabilitative Services recommends a committee substitute for the following: Senate Bills 2152 and 2154

The Committee on Professional Regulation recommends a committee substitute for the following: SB 1914

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

The Committee on Commerce recommends committee substitutes for the following: SB 2260, SB 2408, SB 2670

The Committee on Health and Rehabilitative Services recommends a committee substitute for the following: SB 1858

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

The Committee on Commerce recommends a committee substitute for the following: SB 1476

The Committee on Health Care recommends a committee substitute for the following: SB 2782

The Committee on Health and Rehabilitative Services recommends a committee substitute for the following: SB 2536

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

The Committee on Commerce recommends a committee substitute for the following: CS for SB 2220

The Committee on Executive Business, Ethics and Elections recommends a committee substitute for the following: SB 1756

The Committee on International Trade, Economic Development and Tourism recommends a committee substitute for the following: SB 2570

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

The Committee on Commerce recommends committee substitutes for the following: SB 150, SB 1210, SB 1394, SB 2900

The Committee on Executive Business, Ethics and Elections recommends a committee substitute for the following: SB 436

The Committee on Health Care recommends committee substitutes for the following: SB 362, SB 2544

The Committee on Judiciary recommends committee substitutes for the following: SB 212, SB 628, SB 1260

The Committee on Natural Resources and Conservation recommends a committee substitute for the following: SB 140

The Committee on Professional Regulation recommends a committee substitute for the following: SB 1776

The Committee on Rules and Calendar recommends a committee substitute for the following: SB 1440

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

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By Senator Forman—

SB 2902—A bill to be entitled An act relating to the State University System; providing for the establishment of university health services support organizations; providing duties and operational guidelines; providing for the adoption of rules and for an audit; providing an exception; providing an effective date.

—was referred to the Committees on Education and Appropriations.

By Senator Johnson—

SB 2904—A bill to be entitled An act relating to discrimination; amending s. 562.51, F.S.; prohibiting a licensed retail alcoholic beverage establishment open to the public from refusing service on the basis of class or mode of transportation; amending s. 760.07, F.S.; providing a remedy for unlawful discrimination because of class or because of mode of transportation in the areas of education, employment, housing, or public accommodation; providing an effective date.

—was referred to the Committees on Judiciary and Commerce.

By Senator Brown-Waite—

SB 2906—A bill to be entitled An act relating to motor vehicle insurance; amending s. 627.7405, F.S.; providing an exception to the right of reimbursement that an insurer has against the owner of a commercial motor vehicle with respect to certain personal injury protection benefits; providing an effective date.

—was referred to the Committee on Commerce.

By Senator Kirkpatrick—

SB 2908—A bill to be entitled An act relating to education; amending s. 229.58, F.S.; authorizing alumni to serve on certain school advisory councils; amending s. 231.3505, F.S.; revising terminology relating to vocational education; providing additional educational requirements for school district directors of vocational education; amending s. 236.013, F.S.; providing school district funding in excess of one full-time equivalent enrollment under certain circumstances; amending s. 236.081, F.S.; revising funding calculations for certain students; renaming certain funding categories; creating s. 237.36, F.S.; providing for school board assessment of indirect costs to educational programs and institutions; amending s. 239.201, F.S.; revising terminology; revising requirements related to minimum funding for vocational education; including certain collections within the category of local funds; providing penalties for underexpending certain funds; amending s. 239.217, F.S.; conforming terminology; revising eligibility requirements for the Florida Gold Seal Endorsement; providing remedy for ineligibility based on erroneous information; amending s. 239.229, F.S.; revising terminology; revising goals related to area vocational-technical centers; amending s. 239.233, F.S., relating to vocational education reporting; revising terminology; requiring certain program information and analyses; requiring the Department of Education to withhold funds under certain circumstances; providing for annual reports and program standards; amending s. 239.245, F.S., relating to public information on vocational education programs; revising terminol-

ogy; conforming language; amending s. 240.4021, F.S.; revising scholarship program award values; revising eligibility criteria; conforming terminology; amending s. 20.15, F.S.; changing the name of the Division of Vocational, Adult, and Community Education; amending s. 20.315, F.S.; conforming terminology; amending s. 39.055, F.S.; conforming terminology; amending s. 187.201, F.S.; conforming terminology; making technical revisions; amending s. 228.041, F.S.; redefining "vocational education"; making technical revisions; conforming terminology; amending s. 228.061, F.S.; conforming terminology; amending s. 228.0617, F.S.; conforming terminology; making technical revisions; amending s. 228.0855, F.S.; deleting an obsolete reference; conforming terminology; amending s. 228.093, F.S.; conforming terminology; amending s. 228.2001, F.S.; making technical revisions; conforming terminology; amending s. 228.501, F.S.; conforming terminology; amending s. 228.502, F.S.; conforming terminology; amending s. 228.503, F.S.; conforming terminology; amending s. 229.053, F.S.; conforming terminology; amending s. 229.551, F.S.; conforming terminology; amending s. 229.555, F.S.; conforming terminology; amending s. 229.592, F.S.; conforming terminology; amending s. 229.593, F.S.; conforming terminology; amending s. 229.601, F.S.; conforming terminology; making technical revisions; amending s. 229.602, F.S.; conforming terminology; making technical revisions; amending s. 230.23, F.S.; conforming terminology; amending s. 230.2305, F.S.; conforming terminology; amending s. 230.2313, F.S.; conforming terminology; making technical revisions; amending s. 230.2316, F.S.; conforming terminology; making technical revisions; amending s. 230.2317, F.S.; conforming terminology; amending s. 230.2319, F.S.; conforming terminology; amending s. 230.33, F.S.; conforming terminology; amending and renumbering s. 230.63, F.S.; renaming area vocational-technical centers; amending and renumbering s. 230.64, F.S.; conforming terminology; making technical revisions; amending and renumbering s. 230.643, F.S.; conforming terminology; amending s. 230.655, F.S.; conforming terminology; amending s. 231.0861, F.S.; conforming terminology; amending s. 231.1725, F.S.; conforming terminology; making technical revisions; amending s. 231.361, F.S.; conforming terminology; amending s. 231.532, F.S.; conforming terminology; amending s. 231.545, F.S.; conforming terminology; amending s. 231.606, F.S.; conforming terminology; amending s. 231.613, F.S.; making technical revisions; conforming terminology; amending s. 231.614, F.S.; conforming terminology; making technical revisions; amending s. 231.62, F.S.; conforming terminology; amending s. 232.246, F.S.; conforming terminology; amending s. 232.435, F.S.; conforming terminology; amending s. 233.051, F.S.; conforming terminology; amending s. 233.0674, F.S.; conforming terminology; amending and renumbering s. 233.068, F.S.; conforming terminology; making technical revisions; amending s. 233.09, F.S.; conforming terminology; amending s. 234.01, F.S.; conforming terminology; amending s. 235.15, F.S.; conforming terminology; amending s. 235.199, F.S.; conforming terminology; amending s. 235.435, F.S.; conforming terminology; amending s. 236.013, F.S.; conforming terminology; amending s. 236.081, F.S.; conforming terminology; amending s. 236.083, F.S.; conforming terminology; amending s. 237.34, F.S.; conforming terminology; amending s. 237.40, F.S.; conforming terminology; amending s. 239.101, F.S.; conforming terminology; amending s. 239.105, F.S.; conforming terminology; making technical revisions; providing definitions relating to career education; amending s. 239.109, F.S.; making technical revisions; conforming terminology; amending s. 239.113, F.S.; conforming terminology; amending s. 239.117, F.S.; conforming terminology; making technical revisions; limiting the applicability of fee exemptions for certain students; revising the assessment of certain fees for community college students; amending s. 239.121, F.S.; conforming terminology; amending s. 239.125, F.S.; conforming terminology; amending s. 239.205, F.S.; conforming terminology; making technical revisions; amending s. 239.209, F.S.; conforming terminology; amending s. 239.213, F.S.; conforming terminology; amending s. 239.221, F.S.; conforming terminology; amending s. 239.225, F.S.; conforming terminology; amending s. 239.229, F.S.; conforming terminology; amending s. 239.237, F.S.; conforming terminology; amending s. 239.241, F.S.; conforming terminology; amending s. 239.301, F.S.; conforming terminology; amending s. 239.505, F.S.; conforming terminology; amending s. 239.513, F.S.; conforming terminology; amending s. 240.116, F.S.; conforming terminology; amending s. 240.118, F.S.; conforming terminology; amending s. 240.134, F.S.; conforming terminology; amending s. 240.147, F.S.; conforming terminology; amending s. 240.152, F.S.; conforming terminology; amending s. 240.153, F.S.; conforming terminology; amending s. 240.301, F.S.; conforming terminology; amending s. 240.319, F.S.; conforming terminology; amending s. 240.324, F.S.; conforming terminology; amending s. 240.35, F.S.; conforming terminology; amending s. 240.353, F.S.; conforming terminology; amending s. 240.359, F.S.; conforming terminology; amending s. 240.404, F.S.; conforming terminology; amending s. 240.4082, F.S.; conforming terminology; amending s. 240.4085, F.S.;

conforming terminology; amending s. 240.4093, F.S.; conforming terminology; amending s. 240.4145, F.S.; conforming terminology; amending s. 240.421, F.S.; conforming terminology; amending s. 242.68, F.S.; conforming terminology; amending s. 409.029, F.S.; conforming terminology; amending s. 409.145, F.S.; conforming terminology; amending s. 443.171; F.S.; conforming terminology; amending s. 446.011, F.S.; conforming terminology; amending s. 446.041, F.S.; conforming terminology; amending s. 446.051, F.S.; conforming terminology; amending s. 446.052, F.S.; conforming terminology; providing for a study of data and reporting requirements; repealing s. 229.133, F.S., relating to rulemaking for programs that address statewide workforce shortages; providing an effective date.

—was referred to the Committees on Education and Appropriations.

By Senator Turner—

SB 2910—A bill to be entitled An act relating to lobbying; amending ss. 11.045 and 112.3215, F.S.; revising provisions relating to regulation of legislative lobbyists and executive branch lobbyists; revising definitions; revising reporting requirements and dates; revising advisory opinion provisions applicable to legislative lobbyists; providing a fine for failure of a legislative lobbyist to register if so required; amending s. 11.062, F.S.; revising a prohibition against the use of state funds for lobbying, to exclude funds specifically appropriated for lobbying purposes; authorizing the filing of a petition for a declaratory statement relating to lobbying for a department of the executive branch, a state university, a community college, or a water management district; providing an effective date.

—was referred to the Committees on Executive Business, Ethics and Elections; and Appropriations.

By Senator Harden—

SCR 2912—A concurrent resolution directing the Florida Attorney General to file suit in the United States Supreme Court against the United States Government, specified United States Government departments and agencies, and the official representatives of certain other countries, alleging violations of the civil rights of Prisoners of War or Missing in Action and to demand that documents concerning these individuals be released, and to urge the attorneys general of the other 49 states of the United States to join in this action.

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

By Senator McKay—

SR 2914—A resolution recognizing the Peace River Valley Citrus Growers Association.

—was referred to the Committee on Rules and Calendar.

By Senator Dyer—

SB 2916—A bill to be entitled An act relating to trust funds; creating the Navigable Waters Identification Trust Fund; establishing the Board of Trustees of the Internal Improvement Trust Fund as trustees of the fund; providing for source of moneys and purposes; providing for future review and termination or re-creation of the fund; providing a contingent effective date.

—was referred to the Committees on Natural Resources and Conservation; Finance, Taxation and Claims; and Appropriations.

By Senator Turner—

SB 2918—A bill to be entitled An act relating to tourism, sports, and entertainment; allowing the creation of a multi-jurisdictional tourism, sports, and entertainment independent special district; providing legislative findings, policy, intent, declaration and purpose; providing definitions; providing for the purpose of such district; providing for the district's governing body; providing for the election of the governing body; providing for a district manager, treasurer, and other officers; providing for the preparation of the district's budgets; providing for general state-

ments of policy to be adopted by resolution; providing that a stockholder, officer, or employee of a landowner may be a member of the district's governing board or advisory board or an officer or employee of the district; providing for powers and duties; providing for annexation and deannexation; providing for land development and environmental regulations; authorizing franchises; providing for a mosquito and pest control program; providing for the employment of staff and consultants; providing for the acceptance of gifts; providing for the incurring of debt; providing for fees, rates, tolls, and other charges; providing for ad valorem taxes, franchise taxes, and special assessments; providing for investment authority; providing for mandatory use of certain district facilities and services; providing for bonding authority; granting the district local agency powers; providing for the levying, assessment, and enforcement of ad valorem taxes and special assessments; providing for tax liens; providing for the foreclosure of tax liens; providing for the issuance of certificates of indebtedness and assessment bonds; providing for the payment of taxes and the redemption of tax liens; providing for contracting authority and exemptions from certain requirements; providing tax exemptions; providing for contracts; providing for tort liability; providing for dissolution; providing for records and reporting; providing for the sale and lease of property; providing for the establishing of a district in Broward county and prescribing its boundaries; providing for liberal construction; providing for severability; providing for a referendum; providing an effective date.

—was referred to the Committees on Community Affairs; International Trade, Economic Development and Tourism; Finance, Taxation and Claims; and Appropriations.

By Senator Myers—

SB 2920—A bill to be entitled An act relating to environmental health; amending s. 404.031, F.S.; defining the terms "laser" and "non-ionizing radiation" and revising the definitions of the terms "ionizing radiation" and "radiation" for the purposes of ch. 404, F.S.; amending s. 404.042, F.S., relating to the designation of the Department of Health and Rehabilitative Services as the state agency to administer a statewide radiation protection program; specifying an exception to that authority; amending s. 404.051, F.S.; revising the powers and duties of the Department of Health and Rehabilitative Services with respect to regulation of radiation; amending s. 404.081, F.S.; revising the recordkeeping provisions with respect to sources of radiation; amending s. 404.101, F.S.; revising the authority of the department to impound sources of ionizing radiation; amending s. 404.20, F.S.; revising the provisions for the transporting of radioactive materials to require the department to establish an ionizing-radiation-monitoring system; revising, for the purpose of clarity, the provision that makes it a crime to violate the section; amending s. 404.22, F.S.; revising the requirements and the fees charged by the department for the inspecting of radiation machines to expressly limit their applicability to ionizing radiation machines, to increase the applicable fees, and to provide for inspection of ionizing machines used in the practice of medicine for the purpose of mammography; providing for delinquency fees; providing that the department assess certain minimum fees until it adopts a fee schedule; deleting an obsolete provision relating to fees; creating s. 404.23, F.S., which provides for the department to register and inspect lasers and to charge fees therefor; providing that the department assess the minimum fees until it adopts a fee schedule; amending s. 455.227, F.S.; revising the grounds for disciplining certain licensees under the jurisdiction of the Department of Business and Professional Regulation or the Agency for Health Care Administration to delete references to classes of laser devices or products and to require compliance with rules of the Department of Health and Rehabilitative Services governing the registration of lasers; amending s. 514.033, F.S.; revising the provisions for the department and certain public health units to review construction plans for and to inspect public swimming pools and bathing places; revising the applicable fee schedule; providing that the department assess certain minimum fees until it adopts a fee schedule; repealing s. 501.122, F.S., which provided for the department to adopt rules and to develop a program to register laser devices and which provided a criminal penalty for using a laser device or product unless registered with the department; providing effective dates.

—was referred to the Committees on Health and Rehabilitative Services; Finance, Taxation and Claims; and Appropriations.

By Senator Hargrett—

SB 2922—A bill to be entitled An act relating to postsecondary education; amending s. 240.35, F.S.; providing requirements for a student activity and service fee, an athletic fee, and a financial aid fee; providing for fee committees, use of fees, and reporting; creating s. 240.34, F.S.; specifying conditions of a community college president's continuing contract; creating s. 240.3435, F.S.; providing limitations on accrual of annual leave by community college employees; amending s. 240.36, F.S.; providing restrictions relating to the Florida Academic Improvement Trust Fund for Community Colleges; amending s. 240.367, F.S.; revising provisions relating to loans; amending s. 240.551, F.S.; revising a definition in the Florida Prepaid Postsecondary Education Expense Program; amending s. 242.65, F.S.; revising provisions relating to the Council for the Florida School of the Arts; providing an effective date.

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

SB 2924 was introduced out of order and referenced March 9.

By Senator Myers—

SB 2926—A bill to be entitled An act relating to governmental organization; amending s. 20.19, F.S.; redesignating the Department of Health and Rehabilitative Services as the Department of Human Services; transferring the powers of the department with respect to health care to the Department of Health Care Services; repealing s. 20.42, F.S., relating to the Agency for Health Care Administration; abolishing the agency as an autonomous entity under the Department of Business and Professional Regulation and transferring the agency to the Department of Health Care Services; repealing s. 33, ch. 92-33, Laws of Florida, relating to the Division of Medical Quality Assurance; providing that the division remain in the Department of Business and Professional Regulation; transferring the Children's Medical Services Program Office, the Medicaid Program Office, and the Alcohol, Drug Abuse, and Mental Health Program Office from the Department of Health and Rehabilitative Services to the Department of Health Care Services; creating s. 20.191, F.S.; creating the Department of Health Care Services; providing for the organization and duties of the department; amending s. 20.04, F.S.; providing for the internal structuring of the Department of Health Care Services; amending ss. 20.23, 11.50, 28.101, 28.222, 39.001, 39.01, 39.012, 39.014, 39.015, 39.023, 39.024, 39.025, 39.0255, 39.058, 39.0582, 39.062, 39.418, 39.42, 39.462, 39.469, 40.022, 61.046, 61.13, 61.16, 61.20, 63.022, 63.032, 63.062, 63.202, 63.212, 63.301, 68.07, 88.031, 88.171, 90.502, 90.503, 90.6063, 98.301, 110.1125, 110.1127, 110.123, 110.131, 110.205, 110.215, 112.0455, 112.061, 112.153, 119.07, 120.57, 125.0109, 125.901, 153.19, 154.01, 154.011, 154.013, 154.02, 154.03, 154.04, 154.05, 154.06, 154.205, 154.245, 154.304, 166.0445, 186.003, 186.022, 186.503, 186.508, 186.901, 189.415, 194.013, 196.1975, 205.1965, 212.04, 212.055, 212.08, 212.096, 215.3208, 216.0165, 216.136, 216.341, 218.65, 220.181, 222.21, 228.0617, 228.081, 228.093, 228.121, 229.8075, 229.832, 230.23, 230.2305, 230.2313, 230.23135, 230.2316, 230.2317, 230.71, 231.02, 231.381, 232.0315, 232.032, 232.13, 232.145, 232.19, 232.2481, 232.303, 232.304, 232.36, 232.50, 233.0643, 233.067, 233.0671, 236.081, 236.145, 236.602, 238.01, 239.301, 239.505, 240.4067, 240.4075, 240.4076, 240.5121, 240.514, 245.08, 245.13, 252.35, 252.355, 252.36, 255.565, 282.402, 282.403, 282.502, 284.40, 287.057, 287.059, 287.088, 287.155, 290.009, 314.05, 316.6135, 316.635, 318.14, 318.18, 318.21, 321.19, 322.055, 322.20, 370.0605, 370.16, 372.57, 372.6672, 373.309, 376.30, 376.3071, 377.712, 381.001, 381.0011, 381.0031, 381.0034, 381.0035, 381.0036, 381.0038, 381.0039, 381.004, 381.0041, 381.0051, 381.0062, 381.0064, 381.0065, 381.0068, 381.0072, 381.008, 381.009, 381.0098, 381.0101, 381.0261, 381.0302, 381.0402, 381.045, 381.0602, 381.0605, 381.6021, 381.6022, 381.6023, 381.698, 381.81, 382.002, 382.0135, 383.011, 383.013, 383.04, 383.05, 383.11, 383.12, 383.13, 383.14, 383.144, 383.16, 383.212, 383.215, 383.216, 383.2161, 383.302, 383.336, 383.3362, 384.23, 385.103, 385.202, 385.203, 385.204, 385.205, 385.206, 385.207, 385.209, 386.02, 386.03, 386.041, 386.203, 387.02, 387.03, 387.05, 387.08, 387.10, 388.45, 388.46, 390.001, 390.002, 390.011, 390.014, 391.021, 391.091, 391.202, 391.203, 391.205, 391.206, 391.207, 391.208, 391.210, 391.211, 391.212, 391.213, 391.214, 392.52, 393.001, 393.063, 393.064, 393.065, 393.066, 393.067, 393.0673, 393.0675, 393.071, 393.075, 393.11, 393.13, 393.15, 393.31, 393.32, 393.502, 393.503, 394.453, 394.455, 394.457, 394.4573, 394.458, 394.459, 394.461, 394.4674, 394.475, 394.4781, 394.4786,

394.4787, 394.4788, 394.480, 394.50, 394.60, 394.66, 394.67, 394.78, 395.002, 395.003, 395.004, 395.0161, 395.0162, 395.0163, 395.0185, 395.0191, 395.0193, 395.0197, 395.0199, 395.1023, 395.1041, 395.1046, 395.1055, 395.1065, 395.301, 395.3015, 395.3025, 395.602, 395.603, 395.604, 395.605, 395.606, 395.701, 395.7015, 397.311, 397.405, 397.753, 397.754, 397.801, 400.0060, 400.0065, 400.0067, 400.0069, 400.0075, 400.0087, 400.0089, 400.021, 400.022, 400.023, 400.062, 400.0625, 400.063, 400.071, 400.102, 400.111, 400.121, 400.125, 400.126, 400.141, 400.142, 400.151, 400.162, 400.165, 400.175, 400.176, 400.179, 400.18, 400.19, 400.191, 400.211, 400.23, 400.25, 400.29, 400.34, 400.401, 400.402, 400.404, 400.407, 400.408, 400.411, 400.412, 400.414, 400.415, 400.417, 400.4174, 400.4176, 400.4177, 400.418, 400.419, 400.4195, 400.421, 400.422, 400.424, 400.426, 400.427, 400.428, 400.429, 400.431, 400.434, 400.435, 400.441, 400.442, 400.4445, 400.447, 400.453, 400.462, 400.464, 400.471, 400.474, 400.4785, 400.484, 400.495, 400.497, 400.506, 400.509, 400.512, 400.515, 400.518, 400.551, 400.552, 400.553, 400.554, 400.555, 400.556, 400.5565, 400.557, 400.5571, 400.5575, 400.558, 400.559, 400.56, 400.562, 400.601, 400.602, 400.6045, 400.605, 400.606, 400.607, 400.609, 400.618, 400.702, 400.801, 400.805, 401.107, 401.111, 401.117, 401.23, 401.245, 401.265, 402.04, 402.06, 402.07, 402.105, 402.12, 402.16, 402.161, 402.165, 402.166, 402.167, 402.17, 402.18, 402.181, 402.19, 402.20, 402.22, 402.24, 402.27, 402.28, 402.302, 402.3026, 402.3193, 402.3195, 402.32, 402.321, 402.33, 402.35, 402.37, 402.40, 402.41, 402.45, 402.47, 402.49, 402.55, 402.60, 402.61, 403.061, 403.0625, 403.081, 403.085, 403.086, 403.088, 403.703, 403.7841, 403.786, 403.813, 403.851, 403.852, 403.855, 403.856, 403.858, 403.859, 403.861, 403.862, 403.863, 403.8635, 403.864, 404.031, 404.051, 404.056, 404.0614, 404.131, 404.20, 404.22, 406.02, 407.61, 408.001, 408.02, 408.032, 408.033, 408.038, 408.039, 408.0455, 408.05, 408.061, 408.07, 408.072, 408.20, 408.30, 408.302, 408.601, 408.603, 408.701, 408.702, 408.703, 408.704, 408.7041, 408.7042, 408.7045, 408.7055, 408.7056, 408.706, 408.7071, 408.901, 408.902, 408.903, 408.906, 408.907, 408.908, 409.016, 409.029, 409.141, 409.146, 409.152, 409.166, 409.167, 409.1685, 409.175, 409.1755, 409.178, 409.185, 409.2554, 409.2567, 409.2673, 409.2675, 409.285, 409.315, 409.325, 409.3282, 409.3284, 409.345, 409.352, 409.403, 409.404, 409.441, 409.803, 409.901, 409.902, 409.908, 409.9081, 409.911, 409.9112, 409.9113, 409.9115, 409.9116, 409.923, 409.928, 409.940, 410.011, 410.016, 410.023, 410.032, 410.201, 410.30, 410.401, 410.402, 410.502, 410.602, 410.603, 411.203, 411.204, 411.205, 411.221, 411.222, 411.223, 411.224, 411.232, 413.031, 413.275, 413.602, 414.06, 414.07, 415.102, 415.501, 415.5015, 415.5016, 415.50165, 415.502, 415.5018, 415.503, 415.507, 415.5095, 415.515, 415.602, 415.604, 419.001, 419.002, 420.621, 421.10, 427.012, 427.0135, 430.06, 440.102, 440.13, 440.134, 440.151, 442.005, 443.036, 446.205, 446.23, 446.25, 450.191, 450.211, 455.203, 455.205, 455.207, 455.208, 455.209, 455.2175, 455.218, 455.2205, 455.221, 455.223, 455.224, 455.225, 455.227, 455.2273, 455.2275, 455.228, 455.2285, 455.229, 455.232, 455.236, 455.239, 455.2416, 455.243, 455.245, 455.26, 458.316, 458.3165, 458.317, 458.331, 459.015, 460.403, 461.013, 466.023, 467.009, 467.0125, 468.1685, 468.301, 468.314, 468.351, 468.505, 470.021, 470.024, 470.025, 483.031, 483.035, 483.041, 483.051, 483.061, 483.091, 483.101, 483.106, 483.111, 483.172, 483.181, 483.191, 483.201, 483.221, 483.23, 483.245, 483.25, 483.26, 483.288, 483.291, 483.294, 483.30, 483.302, 483.314, 483.317, 483.32, 483.328, 483.610, 487.0615, 489.539, 489.551, 499.003, 499.004, 499.02, 499.022, 499.039, 499.601, 499.61, 500.455, 500.457, 500.509, 501.001, 501.065, 501.122, 501.124, 509.013, 509.032, 509.251, 509.291, 513.01, 514.011, 553.19, 561.025, 561.17, 561.19, 561.29, 570.42, 585.15, 624.215, 624.424, 624.91, 626.943, 627.4236, 627.429, 627.6418, 627.6472, 627.6613, 627.736, 627.912, 636.052, 641.21, 641.22, 641.23, 641.261, 641.28, 641.3007, 641.405, 641.406, 641.411, 641.412, 641.443, 641.454, 641.455, 641.47, 641.48, 641.55, 651.011, 651.021, 651.0235, 651.117, 651.118, 713.77, 732.915, 732.921, 732.9215, 732.922, 741.01, 741.29, 742.045, 742.08, 742.16, 743.0645, 744.474, 765.110, 765.307, 766.105, 766.115, 766.305, 766.308, 766.314, 768.28, 768.76, 775.0877, 775.16, 784.075, 790.157, 790.22, 796.08, 860.1545, 873.01, 877.111, 893.02, 893.04, 893.11, 893.12, 893.15, 893.16, 893.165, 895.09, 916.105, 916.106, 916.11, 939.017, 943.031, 943.0585, 943.059, 944.012, 944.024, 944.095, 944.17, 944.602, 944.706, 945.025, 945.10, 945.12, 945.35, 945.41, 945.47, 945.49, 947.13, 947.146, 947.185, 948.01, 948.034, 949.02, 951.27, 953.003, 953.35, 958.19, 960.001, 960.003, F.S., s. 95, ch. 93-415, Laws of Florida, s. 9, ch. 93-416, Laws of Florida, s. 1, ch. 93-419, Laws of Florida; conforming those sections to the changes in duties and changes of names of departments made by this act; conforming certain of those sections, in addition, to the reorganization of the Departments of Business Regulation, Professional Regulation, Environmental Regulation, and Natural Resources enacted in 1993; repealing s. 395.304, F.S., relating to a report by the Agency for Health Care Administration; repealing ss. 455.2141, 455.2173, 455.220, F.S., relating to duties of the agency with respect to professional regulatory boards under its control;

providing that this act does not affect the term of office of any person serving on a district or subdistrict human services board on the effective date of this act; providing an effective date.

—was referred to the Committees on Health and Rehabilitative Services; Health Care; and Appropriations.

By Senator Brown-Waite—

SB 2928—A bill to be entitled An act relating to growth management; amending s. 163.3167, F.S.; requiring that each county provide in its growth management plan for the long-term availability of water supplies for approved land development; amending s. 186.009, F.S.; providing for the growth management portion of the state comprehensive plan to provide for long-term availability of water supplies for approved land development; providing an effective date.

—was referred to the Committees on Natural Resources and Conservation; Community Affairs; and Appropriations.

By Senator Bankhead—

SB 2930—A bill to be entitled An act relating to commitment of juvenile offenders to the custody of the Department of Health and Rehabilitative Services; amending s. 39.01, F.S.; defining the term “maximum-risk residential” as an additional level of custody to which a youth may be committed; creating s. 39.0581, F.S.; creating a maximum-risk residential program under the Department of Health and Rehabilitative Services for the placement of certain youths; prescribing criteria for committing a youth to a maximum-risk residential program; providing an effective date.

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

By Senator McKay—

SB 2932—A bill to be entitled An act relating to Manatee County; amending ch. 91-412, Laws of Florida, relating to the Manatee County Environmental Protection Act; amending the definition section; requiring an economic impact statement for regulations of the commission; amending the requirements for rulemaking and for violations of the act; authorizing the commission to adopt fees for operation of the commission; amending provisions relating to the administrative appeal process; authorizing the environmental director and his agents to obtain administrative inspection warrants when permission to inspect is refused or withdrawn; providing for severability; providing for review and repeal; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Crenshaw—

SB 2934—A bill to be entitled An act relating to Duval County; providing for the relief of James H. Dukes, to compensate him for injuries and damages sustained as a result of the negligence of the Jacksonville Transit Authority; providing for payment by the Jacksonville Transit Authority; 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 Senator Johnson—

SB 2936—A bill to be entitled An act relating to Sarasota County; providing for the relief of Charles W. Sparling; providing an appropriation to compensate him for severe injuries resulting from an accident due to the negligence of Sarasota 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 Senator Crenshaw—

SB 2938—A bill to be entitled An act relating to Clay County Hospital Authority; amending chapter 30280, Laws of Florida, 1955, as amended; repealing provisions relating to care of charity, Medicaid, and indigent patients with respect to sale, transfer, or lease agreement of the authority; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Bankhead—

SB 2940—A bill to be entitled An act relating to the City of Jacksonville; amending s. 17.06 of chapter 92-341, Laws of Florida, as amended, being the Charter of the City of Jacksonville, so as to clarify the exemptions provided by the charter to designated employees; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Bankhead—

SB 2942—A bill to be entitled An act relating to the Jacksonville Port Authority; amending s. 1 of chapter 63-1447, Laws of Florida, as amended, so as to clarify legislative intent that the Authority was and is created as a political subdivision of the State of Florida in the nature of a county and not a municipality; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Finance, Taxation and Claims; and Rules and Calendar.

By Senator Kurth—

SB 2944—A bill to be entitled An act relating to Brevard County; amending chapter 87-455, Laws of Florida; limiting the use of funds received by the Technological Research and Development Authority to those programs that further the objectives and purposes of the authority; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Kurth—

SB 2946—A bill to be entitled An act relating to the Melbourne-Tillman Drainage District, Brevard County; renaming the district as the Melbourne-Tillman Water Control District; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Boczar—

SB 2948—A bill to be entitled An act relating to the North Port Water Control District; providing for the dissolution of the water control district; providing for the transfer of the property, assets, rights, responsibilities, and obligations thereof to the North Port Road and Drainage District; providing that the road and drainage district is to replace the water control district as a party to contracts of the water control district; specifying conditions precedent for the dissolution of the water control district; specifying a date for the transfer of the powers and responsibilities of the water control district, subject to the satisfaction of the conditions precedent; providing for a referendum; providing effective dates.

Proof of publication of the required notice was attached.

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

By Senator Dantzer—

SB 2950—A bill to be entitled An act relating to Highlands County; dissolving the Sebring Utilities Commission, ratifying and approving the resolution of said commission adopting a plan of dissolution, and repealing chapter 23535, Laws of Florida, 1945, as amended; providing for the winding up of current affairs, payment of current bills, and disposition of assets of the Sebring Utilities Commission; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Meadows—

SB 2952—A bill to be entitled An act relating to the Central Broward Drainage District, Broward County; amending chapters 61-1439 and 91-350, Laws of Florida; providing for an increase in the allowable compensation for the board of commissioners of the district; providing for the creation, appointment, and duties of the position of district manager and deletion of the position of chief engineer; providing that the district manager shall transmit designated estimates and reports to the board of commissioners and correcting a provision relating to property assessed by the district which has been impliedly superseded; deleting obsolete provisions to provide for scheduling of public hearings on the district's budget in accordance with current requirements of Florida Law and to improve the clarity of the section; providing that the stated duties of the chief engineer shall be performed by the district's engineer and manager; providing for an increase in the amount that the District can enter into a contract for without having to advertise for bids; providing that this act shall take precedence over any conflicting law to the extent of such conflict; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Meadows—

SB 2954—A bill to be entitled An act relating to the Cities of Lauderhill and Plantation, Broward County; placing five parcels of land within the corporate limits of the City of Plantation into the City of Lauderhill and placing one parcel of land presently in the City of Lauderhill into the City of Plantation, to redefine each city's common boundaries; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Meadows—

SB 2956—A bill to be entitled An act relating to Broward County; providing for the Sheriff of Broward County to authorize municipal officers to engage in law enforcement activities on an extrajurisdictional basis; requiring the municipal officers to follow certain procedures while engaged in such activities; providing for the delegation of responsibilities, immunities, training, and supervision on a departmental basis; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Meadows—

SB 2958—A bill to be entitled An act relating to North Lauderdale Water Control District, Broward County; amending chapter 63-661, Laws of Florida, as amended; increasing membership of the Board of Supervisors of North Lauderdale Water Control District to include two additional members appointed by the City Council of the City of North Lauderdale within 30 days after this act becomes a law, for terms of 2 years and as otherwise provided for in this act; authorizing members to be city council members or their designees; providing for meetings of the board of supervisors to occur not less than 4 times per year to conduct and to transact the business of the district; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Meadows—

SB 2960—A bill to be entitled An act relating to the Port Everglades District and the Port Everglades Authority in Broward County; providing for legislative intent; providing for definitions; providing for a port jurisdictional area; specifying certain operational powers, duties, and obligations of Broward County in the port jurisdictional area; providing for franchises and permits to do business; providing for regulations for cargo handling, ship operations and movements, and terminal operations; providing for construction and implementation of county powers, duties, and obligations; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Meadows—

SB 2962—A bill to be entitled An act relating to the Pine Tree Water Control District, Broward County; amending ch. 85-391, Laws of Florida, as amended; requiring the board of supervisors of the district to meet at least once every month to conduct the business of the district provided that items to be considered have been submitted 14 days before the meeting; authorizing the district manager to cancel the monthly meeting; prescribing compensation for members of the board of supervisors; requiring a member of the City of Coral Springs City Commission or the City of Parkland City Commission that resides in the district to be appointed to the board of supervisors and requiring each supervisor appointed by either city to reside in the district; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Meadows—

SB 2964—A bill to be entitled An act relating to Broward County; authorizing the Broward County Board of County Commissioners to permit private organizations performing work on behalf of an auto dealer to operate a branch auto tag agency as an agent of the Florida Department of Highway Safety and Motor Vehicles and Broward County, as Tax Collector, to sell and distribute motor vehicle licenses under the rules and regulations as established by law and local ordinance; providing for the repeal of inconsistent laws; providing an effective date.

Proof of publication of the required notice was attached.

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

By Senator Meadows—

SB 2966—A bill to be entitled An act relating to Broward County Education, Research, and Training Authority; providing for the creation of an independent special district; stating the purpose of the authority; providing definitions; providing for creation of the authority and membership thereof; providing powers of the authority; providing for payment of expenses; providing for acquisition of real property; prohibiting the pledge of state or political subdivision credit; providing for reporting requirements; providing for ending the powers and dissolution of authority; requiring financial disclosure; assigning responsibility for providing planning requirements; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator McKay—

SB 2968—A bill to be entitled An act relating to Manatee County; specifying areas to be affected by this act; providing definitions and authorizing the Board of County Commissioners to adopt definitions; authorizing the board to adopt, amend, and rescind codes for all types of construction, for establishing minimum building elevations to prevent flooding, and for certain condemnations; providing for permit and inspection fees and disposition thereof; authorizing the board to hire and pay certain employees; authorizing inspections; providing relief from personal liability; requiring appointment of one or more trades boards to license, regulate, and discipline licensed trades persons with expert technical knowledge and to discipline and penalize unlicensed individuals involved in trades for which licensing is required; providing penalties; validating all codes, ordinances, orders, or resolutions previously adopted; providing for severability; repealing conflicting local laws, and validating codes, regulations, permits, and licenses adopted or approved under such local laws; providing for future repeal of this act; authorizing adoption of the provisions of this act under home rule powers; repealing chapters 63-1600 and 87-488, Laws of Florida; providing intent; providing effective dates.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Crist—

SB 2970—A bill to be entitled An act relating to the Pinellas Sun-coast Transit Authority created by chapter 70-907, Laws of Florida, as amended; providing said Authority be subject to a performance audit on a regularly scheduled basis; providing prohibitions as to who may perform said audit; providing for its components; providing for procedures for contracting for said audit; providing said procedures shall be public record; providing requirements for the contract document; providing the Clerk of Court shall retain a final copy of said audit as a permanent public record; providing for appropriation of funds; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Bankhead—

SB 2972—A bill to be entitled An act relating to Duval County, relating to the hospital facility in Jacksonville Beach owned by the Beaches Public Hospital Special Taxing District, Duval County; providing for the approval by the Legislature of the sale of the assets and liabilities of the Beaches Public Hospital Special Taxing District, upon the satisfaction of certain conditions, to Baptist Medical Center of the Beaches, Inc., d/b/a Baptist Medical Center - Beaches; requiring Baptist Medical Center - Beaches to provide certain indigent healthcare services; repealing chapter 82-291, Laws of Florida, being the Enabling Legislation of the Beaches Public Hospital Taxing District; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Siegel—

SB 2974—A bill to be entitled An act relating to Seminole County; repealing ch. 72-431, Laws of Florida; eliminating circuit judge and county judge entitlement to county medical, health, accident and life insurance benefits under county programs; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Bankhead—

SB 2976—A bill to be entitled An act relating to the City of Jacksonville; amending chapter 92-341, Laws of Florida, as amended, relating to the Jacksonville Police and Fire Pension Board of Trustees; providing that the board shall have the power to issue subpoenas to compel attendance of witnesses, production of documents, and to administer oaths to witnesses; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Forman—

SB 2978—A bill to be entitled An act relating to Dade County; providing for the relief of Ardena R. Newry, as personal representative of the estate of Cyprian Newry, deceased, and Kijana Newry, Toyelle Newry, Cypriana Newry, Cyprian Newry, and Tryon Newry, children of Cyprian Newry, deceased, for injuries sustained as a result of the negligence of Public Health Trust of Dade County, d.b.a. Jackson Memorial Hospital; providing for payment by the Public Health Trust of Dade County, d.b.a. Jackson Memorial Hospital; 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 Senator Harden—

SB 2980—A bill to be entitled An act relating to Santa Rosa County; amending chapter 80-603, Laws of Florida; providing a maximum millage rate for ad valorem taxes to be levied by the Holley-Navarre Fire Protection District; providing for a referendum; providing effective dates.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Grogan—

SB 2982—A bill to be entitled An act relating to the Canaveral Port District, Brevard County; amending Art. XVII, ch. 28922, Laws of Florida, 1953, as amended; increasing threshold amounts for requirement of competitive bidding of construction and commodity purchase contracts; authorizing the Canaveral Port Authority to utilize purchasing agreements and contracts of any state agency, county, school board, or municipality, or of the Federal Government, for the purchase of goods, supplies, or materials for the Canaveral Port District in lieu of competitive sealed bids; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Crist—

SB 2984—A bill to be entitled An act relating to public nuisances related to specified unlawful or gang activities; transferring, renumbering, and amending s. 893.138, F.S.; specifying additional places and premises that constitute public nuisances subject to abatement through local administrative action or by court enjoinder; specifying an addition action that a local nuisance abatement board may take against the owner of a place or premises declared a nuisance; providing for enjoinder of such nuisances; providing an effective date.

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

By Senator Foley—

SB 2986—A bill to be entitled An act relating to the emergency medical care of children; creating the Emergency Medical and Injury Prevention Systems for Children Act; providing legislative findings; providing definitions; establishing the Emergency Medical and Injury Prevention Systems for Children (EMIPSC) Program within the Children's Medical Services Program Office of the Department of Health and Rehabilitative Services; providing for a coordinator to administer the program; providing powers and duties of the coordinator; requiring an annual report to the Legislature; allowing the program to apply for and receive grants; providing requirements for the program; creating the Emergency Medical and Injury Prevention Systems for Children Advisory Council; providing for the membership and duties of the council; providing for filling vacancies on the council; providing for reimbursement; providing for council officers and organizational procedures; assigning responsibility for funding the program primarily to specified participants; providing for rule-making; providing an effective date.

—was referred to the Committees on Health Care and Appropriations.

By Senator Johnson—

SB 2988—A bill to be entitled An act relating to education; amending s. 216.023, F.S., relating to legislative budget requests by state agencies; providing that the Commissioner of Education submit the budget request for educational facilities construction and fixed capital outlay and the integrated, comprehensive budget request as provided in s. 235.41, F.S.; amending s. 239.117, F.S., relating to postsecondary student fees; deleting provisions relating to college-preparatory programs, to the Community College Program Fund, and to community colleges; deleting the requirement that the State Board of Community Colleges review the cost of adult programs and postsecondary adult programs; deleting the provision for increasing fees for those programs; amending s. 240.311, F.S.; eliminating a duty of the State Board of Community Colleges to publish an annual report from each community college on progress towards meeting state and institutional quality goals; amending s. 240.319, F.S.; authorizing the community college district boards of trustees to contract for the purchase, lease, or acquisition of equipment by a lease, lease-purchase contract, or installment contract if the lease or contract is approved by the executive director of the community college system appointed by the State Board of Community Colleges; amending s. 240.331, F.S., relating to community college direct-support organizations; deleting a reference to an annual report that is eliminated by this act; amending s. 240.3315, F.S., relating to statewide community college direct-support organizations; deleting a reference to an annual report that is eliminated by this act; amending s. 240.335, F.S.; eliminating a report by a community college district board of trustees concerning programs to eradicate discrimination in the granting of salaries to employees; amending s. 240.347, F.S., relating to the State Community College Program Fund; eliminating certain requirements for providing salary and benefit information in the legislative budget request; amending s. 240.35, F.S.; revising the provisions for the State Board of Community Colleges to establish matriculation and tuition fees; providing an exemption from fees for students enrolled in vocational dual enrollment programs or in vocational early admission programs; providing that such students must produce a certain equivalent enrollment; providing an exemption from fees for students who enroll in adult basic, adult secondary, or vocational-preparatory instruction; providing an exemption from fees for students who enroll in an approved postsecondary, adult vocational apprenticeship program; providing for fees for college-preparatory courses and for vocational-preparatory courses; providing for fees and for the use of excess fees collected for recreation and leisure courses; providing for the State Board of Community Colleges to adopt a resident fee schedule for supplemental vocational programs and for postsecondary, adult vocational programs; providing that certain financial aid moneys collected for postsecondary, adult vocational courses and programs and for supplemental vocational courses and programs be expended as financial aid to those students; amending s. 240.36, F.S., relating to the Florida Academic Improvement Trust Fund for Community Colleges; revising the provisions relating to academic improvement trust funds in order to improve clarity and to revise a cross-reference to the financial aid moneys that a community college must collect; amending s. 240.367, F.S., relating to current loan requests by the community college district boards of trustees; providing that the boards may request extensions of repayments of loans author-

ized for the purpose of meeting budget obligations and subject to approval by the executive director of the community college system appointed by the State Board of Community Colleges; amending s. 240.551, F.S.; revising the definition of the term "registration fee" for purposes of the Florida Prepaid Postsecondary Education Expense Program to include the student activity and service fee in the community college prepaid registration fee; repealing s. 240.138, F.S., which provides that state universities and public community colleges report endowments, gifts, grants, contract awards, or property of a certain value that are donated by a foreign government or by an individual who is not a citizen of the United States; providing an effective date.

—was referred to the Committees on Education and Appropriations.

By the Committee on Education—

SB 2990—A bill to be entitled An act relating to public schools; amending s. 230.2316, F.S.; replacing the current dropout prevention programs by providing for an academic enrichment program to be provided at the option of each school district; providing for student eligibility; requiring certain plans; requiring that the academic enrichment program and certain specified services be provided to teen-age parents; authorizing student appeals under certain conditions; requiring collaboration; requiring evaluations; requiring an interagency committee to evaluate the program; providing duties and for a study; requiring oversight and review; authorizing sanctions; providing for rulemaking; creating a grant program for dropout retrieval subject to appropriation by the Legislature; amending ss. 39.025, 187.201, 230.23135, 232.246, F.S., relating to district juvenile justice boards, education policies under the State Comprehensive Plan, the duties of the Florida Council on Student Services, and general requirements for high school graduation, to conform those sections to changes made by this act; amending s. 236.013, F.S.; revising the definition of the term "full-time equivalent student" to include students in academic enrichment programs; amending s. 236.081, F.S.; limiting increases in funding of additional students who are in the academic enrichment programs; amending s. 236.1228, F.S.; revising the definition of the term "high school" to conform to changes made by this act; amending s. 239.505, F.S., relating to constructive youth programs; revising the funding to conform to the changes made by this act; repealing s. 232.301, F.S., which provides for a model program for the prevention of student failures and dropouts; repealing s. 236.0841, F.S., which provides for funding of certain enrichment, remedial, and dropout prevention activities; repealing s. 236.0842, F.S., which prohibits funding of certain dropout programs; providing an effective date.

—was referred to the Committees on Education and Appropriations.

By Senator Foley—

SB 2992—A bill to be entitled An act for the relief of Laura Dunn, formerly known as Laura Elizabeth Bannon; providing an appropriation to compensate her for severe bodily injuries sustained due to the negligence of the City of West Palm Beach; 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 Senator Forman—

SB 2994—A bill to be entitled An act relating to the confidentiality of records of university health services support organizations; providing for the exemption from s. 24, Art. I of the State Constitution, and from ss. 119.07(1) and 286.011, F.S., of certain records and meetings of these organizations; providing a statement of public necessity for the exemptions; providing for future review of the exemptions; providing an effective date.

—was referred to the Committees on Education and Appropriations.

By Senator Grogan—

SB 2996—A bill to be entitled An act relating to the unlawful sale of controlled substances; amending s. 893.13, F.S.; providing for two or more counts of certain violations of law prohibiting the sale of controlled substances to be combined under a single indictment or information; providing for the quantity of the illegal drug with respect to each separate count to be combined and the offender to be sentenced for a violation of certain trafficking offenses; providing an effective date.

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

By Senator Jenne—

SB 2998—A bill to be entitled An act relating to planning and budgeting; providing legislative intent with respect to the revision of procedures for submitting and reviewing strategic plans and legislative budget requests; providing an effective date.

—was referred to the Committee on Appropriations.

By Senator Silver—

SB 3000—A bill to be entitled An act relating to contracts between sales representatives and principals for wholesale sales contracts; amending s. 686.201, F.S.; revising the requirements for contracts between sales representatives who solicit orders on behalf of principals; providing that such contracts may be oral or written; providing that a principal may be in-state or out-of-state; defining the term "termination" for purposes of the section; providing for the due date of certain commissions; providing for triple damages; deleting the provision for either party who prevails to receive an award of reasonable attorney's fees and court costs; providing for the sales representative to receive such fees and costs; providing for jurisdiction over out-of-state principals who enter into contracts subject to the section; prohibiting a waiver of any provision of the section; providing an effective date.

—was referred to the Committees on Commerce and Judiciary.

By Senator Forman—

SB 3002—A bill to be entitled An act relating to the regulation of professions; amending s. 458.319, F.S.; requiring that physicians complete continuing education instruction on dementia; amending s. 458.321, F.S.; requiring that in order to reactivate an inactive license a physician must complete continuing education instruction on dementia; amending s. 458.347, F.S.; requiring that physician assistants complete continuing education instruction on dementia; amending s. 459.008, F.S.; requiring that osteopathic physicians complete continuing education instruction on dementia; amending s. 464.013, F.S.; requiring that nurses complete continuing education instruction on dementia; amending s. 466.0135, F.S.; requiring that dentists complete continuing education instruction on dementia; amending s. 468.1715, F.S.; requiring that nursing home administrators complete continuing education instruction on dementia; amending s. 486.109, F.S.; requiring that physical therapists complete continuing education instruction on dementia; amending s. 490.007, F.S.; requiring that psychologists complete continuing education instruction on dementia; amending s. 491.007, F.S.; requiring that clinical social workers complete continuing education instruction on dementia; providing an effective date.

—was referred to the Committee on Professional Regulation.

By Senator Kirkpatrick—

SB 3004—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.031, F.S.; exempting from taxes the golf trail fee of a golf course that charges an admissions fee under s. 212.04, F.S.; providing an effective date.

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

By Senator Jenne—

SB 3006—A bill to be entitled An act relating to funding for postsecondary education; amending s. 240.277, F.S.; providing that certain moneys received by institutions under the management of the Board of Regents are subject to legislative review and appropriation; providing an effective date.

—was referred to the Committee on Appropriations.

By Senator Grant—

SR 3008—A resolution recognizing the success and recommending the usefulness of the Eddie Eagle Gun Safety Education Program of the National Rifle Association.

—was referred to the Committee on Rules and Calendar.

By Senator Brown-Waite—

SB 3010—A bill to be entitled An act relating to property appraisal; amending s. 193.023, F.S.; requiring the appraiser to document the methodology used in any reevaluation of a property; amending s. 193.024, F.S.; requiring deputy property appraisers to be qualified to carry out their duties; amending s. 194.011, F.S.; requiring the property appraiser or his representative to make a full disclosure, to a taxpayer who objects to the assessment placed on any property taxable to him, of how the appraiser arrived at that assessed value; requiring the appraiser to disclose the laws and rules relevant to the assessment; amending s. 194.032, F.S.; requiring the clerk of the circuit court to grant a petitioner's preference in scheduling a time for a hearing of the value adjustment board; amending s. 194.034, F.S.; providing requirements relating to procedures in a hearing to contest an assessment; amending s. 194.035, F.S.; amending provisions relating to special masters; requiring any special master appointed by a value adjustment board to be part of the hearing conducted under s. 194.034, F.S.; amending qualifications for the position of special master; providing an effective date.

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

By Senator Brown-Waite—

SB 3012—A bill to be entitled An act relating to orthotics; providing for licensure of orthotists by the Department of Business and Professional Regulation; providing definitions; providing fees; prescribing eligibility for licensure; authorizing certain persons to practice orthotics without a license; providing for temporary licenses and student registrations; providing a civil penalty; providing an effective date.

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

By Senator Brown-Waite—

SB 3014—A bill to be entitled An act relating to prosthetics; providing for licensure of prosthetists by the Department of Business and Professional Regulation; providing definitions; providing fees; prescribing eligibility for licensure; authorizing certain persons to practice prosthetics without a license; providing for temporary licenses and student registrations; providing a civil penalty; providing an effective date.

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

By the Committee on Executive Business, Ethics and Elections; and Senators Turner and Weinstein—

SB 3016—A bill to be entitled An act relating to the confidentiality of records relating to voter registration; providing exemptions from public records requirements for information relating to the decision of persons with respect to specified voter registration; providing for future

review and repeal; providing a finding of public necessity; providing an effective date.

—was referred to the Committees on Executive Business, Ethics and Elections; and Appropriations.

By Senator Jones—

SB 3018—A bill to be entitled An act relating to state fiscal responsibilities; amending s. 186.901, F.S.; reassigning the responsibility for the certification of certain population estimates from the Executive Office of the Governor to the Joint Legislative Management Committee; expanding the period through which population changes resulting from municipal annexations or consolidations may be counted for inclusion in the annual revenue-sharing calculation; requiring that property-valuation estimates with respect to annexed or consolidated properties be forwarded to the Executive Office of the Governor; amending s. 213.053, F.S.; authorizing the disclosure of certain information to the Department of Education; amending s. 236.081, F.S.; transferring responsibility for preparation of the Florida Price Level Index from the Executive Office of the Governor to the Commissioner of Education; providing an effective date.

—was referred to the Committees on Governmental Operations; Finance, Taxation and Claims; Appropriations; and Rules and Calendar.

By Senator Grogan—

SB 3020—A bill to be entitled An act relating to economic development; providing definitions; providing for tax refunds for businesses certified as qualified solar energy businesses by the Secretary of Commerce; limiting the total amount of tax refunds that are available; specifying the taxes for which a refund may be made; prohibiting a fraudulent claim for a refund; providing a penalty; providing requirements for applying for certification as a qualified solar energy business; requiring a resolution by the board of county commissioners which indicates a commitment for local financial support; providing circumstances under which a business may be exempt from the requirement for local financial support; providing criteria for the Division of Economic Development of the Department of Commerce in reviewing applications for certification; providing for a qualified solar energy business to enter into an agreement with the Department of Commerce under which the business is eligible for tax refunds; providing for a qualified solar energy business to become ineligible for a tax refund if it fails to maintain the employment and level of wages specified in the agreement; providing requirements for applying for the tax refund; providing for a reduction in the amount of the refund if the local financial support is less than a specified amount; providing that the amount of the tax refund approved by the Secretary of Commerce may not exceed the amount appropriated to the Economic Development Trust Fund by the Legislature; providing for a proportionate reduction in refunds under certain circumstances; providing for payment of the tax refund by warrant from the Comptroller; providing rulemaking authority; authorizing the Department of Commerce to verify with appropriate agencies certain claims with respect to employment, wage levels, and the payment of taxes; requiring reports; providing for expiration of provisions authorizing the tax refunds; providing an effective date.

—was referred to the Committees on International Trade, Economic Development and Tourism; Finance, Taxation and Claims; and Appropriations.

SB 3022 was introduced out of order and referenced March 9.

By Senator Forman—

SB 3024—A bill to be entitled An act relating to health care; providing legislative findings relating to reforms needed to enhance health care; providing definitions; establishing the Council on the Health Care Workforce within the Agency for Health Care Administration; providing for membership, duties, and per diem and travel expenses; establishing the Health Care Workforce Analysis Group within the Agency for Health Care Administration; providing responsibilities; establishing four consortia on medical education and training, nursing, public health, and other health care practitioners, respectively; providing responsibilities; requir-

ing the medical education schools to review their minority enrollment and to devise a plan to increase that enrollment; amending s. 381.0302, F.S.; revising the definition of "primary care" for purposes of the Florida Health Services Corps; amending ss. 458.348, 464.003, 464.012, F.S.; deleting requirements relating to physician supervision of medical acts performed by advanced registered nurse practitioners; revising the authorized medical acts performed by advanced registered nurse practitioners; providing for a study concerning the effects of changing the law concerning advanced practice nursing; providing an effective date.

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

By Senator Forman—

SB 3026—A bill to be entitled An act relating to insurance; amending s. 627.410, F.S.; requiring certain forms to be filed with the Department of Insurance; amending s. 627.4235, F.S.; providing order of benefits for coverage under the Health Care Access Act; amending s. 627.6043, F.S.; providing for return of unearned premiums on an individual health insurance policy when the policy is canceled by either party; providing that notice requirements imposed on insurers may be satisfied by a third-party administrator; creating s. 627.6045, F.S.; providing for preexisting conditions; creating s. 627.6414, F.S.; providing coverage for dependent children; amending ss. 627.6417, 627.6418, F.S.; deleting specified disease policies from nonapplicability provisions of coverage for a mastectomy or mammogram; amending s. 627.6488, F.S.; providing that the Florida Comprehensive Health Association is to operate under supervision of the reinsurance board established under the Health Care Access Act; amending s. 627.6515, F.S.; providing for nonapplicability of the Insurance Code to certain group health insurance policies issued or delivered outside the state; amending s. 627.652, F.S.; defining the term "Community Health Purchasing Alliance"; creating s. 627.6552, F.S.; authorizing a Community Health Purchasing Alliance to be the group policyholder for specified persons; amending s. 627.6561, F.S.; extending the time for determining a preexisting condition; amending s. 627.6645, F.S.; prescribing time for giving notice of cancellation for nonpayment of premium; creating s. 627.6691, F.S.; creating the Florida Health Insurance Coverage Continuation Act; providing purpose and applicability; providing definitions; providing procedures for continuation of coverage; providing premium requirements; providing for election of continuation of coverage; providing penalties; transferring, renumbering, and amending s. 627.6699, F.S.; creating the Health Care Access Act; providing purpose; providing definitions; providing applicability and scope; providing availability and renewability of coverage; providing for maintenance of records; providing for becoming a risk-assuming or reinsuring carrier; providing election process; providing a health reinsurance program; providing standardized health benefit plans; providing for applicability of other state laws; providing rulemaking authority for the Department of Insurance; amending s. 627.6745, F.S.; providing a formula for refunds on Medicare supplement benefit plans; amending s. 641.31, F.S.; requiring forms for health maintenance services contracts to be filed with the department; creating s. 641.31081, F.S.; prescribing liability of a succeeding health maintenance organization upon replacing a group, blanket, or franchise health insurance policy or replacement of a health maintenance organization contract; creating s. 641.3112, F.S.; providing dependent coverage; creating s. 641.3114, F.S.; providing preexisting conditions for health maintenance organization contracts; repealing s. 627.622, F.S., relating to insurance with other insurers; repealing s. 627.623, F.S., relating to other benefits; repealing s. 408.703(4), F.S., relating to employer contributions to benefit plans; providing an effective date.

—was referred to the Committees on Commerce, Health Care and Appropriations.

By Senator Grant—

SB 3028—A bill to be entitled An act relating to state funds; amending s. 215.31, F.S.; providing that revenue from administrative fines collected or received by state agencies, officers, and employees must be deposited into the State Treasury and credited to the state General Revenue Fund for appropriation out of that fund; creating the "Agency Accountability Act"; requiring state agencies to report annually to the Governor, Cabinet, Speaker of the House of Representatives, and President of the Senate regarding expenditure of revenues and achievement of goals; providing effective dates.

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

By Senator McKay—

SR 3030—A resolution commending the Manatee Juvenile Justice Council for its efforts in implementing reforms in the juvenile justice system.

—was referred to the Committee on Rules and Calendar.

SR 3032 was introduced out of order and adopted this day.

By Senators Gutman, Forman and Casas—

SB 3034—A bill to be entitled An act relating to trust funds; creating the Crime-Fighting Trust Fund to be administered by the Florida Department of Law Enforcement; providing for sources and uses of moneys in the trust fund; providing a contingent effective date.

—was referred to the Committees on Commerce; International Trade, Economic Development and Tourism; Finance, Taxation and Claims; and Appropriations.

By Senators Gutman, Forman and Casas—

SB 3036—A bill to be entitled An act relating to confidentiality of information pertaining to a review or investigation of an applicant for an owner's license for water-vessel gambling; providing an effective date.

—was referred to the Committees on Commerce; International Trade, Economic Development and Tourism; Finance, Taxation and Claims; and Appropriations.

By Senators Gutman, Forman and Casas—

SB 3038—A bill to be entitled An act relating to water-vessel and pari-mutuel gambling; providing a short title; providing intent; authorizing gambling aboard water vessels in counties that approve such gambling; providing definitions; setting forth the powers and duties of the Division of Pari-mutuel Wagering; allowing the division to levy and collect fines and penalties; allowing the division to establish and collect license and regulation fees; allowing the division to collect taxes; requiring application fees; requiring fingerprint fees; requiring license fees for owners, suppliers, and persons engaged in certain occupations; creating a criminal penalty for persons who make false statements with respect to licenses or applications; requiring bonds for licensed owners; providing for attorney's fees incurred in collecting gambling debts; authorizing gambling aboard water vessels; establishing an admissions tax; establishing a tax on adjusted gross revenue; providing for records to be kept by licensees; establishing criminal penalties for certain violations; providing for confiscation and forfeiture of water vessels, gambling equipment, and pari-mutuel license used in violation of this act; authorizing casino gambling in portions of certain pari-mutuel facilities; providing an effective date.

—was referred to the Committees on Commerce; International Trade, Economic Development and Tourism; Finance, Taxation and Claims; and Appropriations.

By Senator Boczar—

SB 3040—A bill to be entitled An act relating to the Englewood Water District in Charlotte and Sarasota Counties; amending sections 2(e), (f), 3(A), 4(c), 5, 10, 14(a), (d), (f), (i), and 22, ch. 59-931, Laws of Florida, as amended; repealing s. 4(d), ch. 59-931, Laws of Florida, as amended, and s. 8, ch. 91-357, Laws of Florida; eliminating the district's ability to issue general obligation bonds to be paid for by ad valorem taxes and eliminating the district's right to levy and assess up to 2 mills of ad valorem taxes per year; providing for a reduction in the number of members of the district board of supervisors from nine members to five members, each of whom resides in a different board of supervisors election district, who shall be elected by the qualified electors of the district for staggered terms of 4 years each; providing for five Englewood Water District supervisor election districts to be created along county precinct

lines as determined by a majority vote of the district board of supervisors every 10 years, after publication of notice of public hearing and public hearing; extending the amortization period of assessment bonds from 12 years to 30 years; changing the 6 percent interest cap on assessments to a rate equal to the U.S. Prime Rate plus 3 percent; authorizing the district to use any method of apportionment of assessments as long as the methodology meets the "fair apportionment" standard, instead of a frontage basis only; authorizing the district to hold public hearings to impose assessments and impose assessments prior to construction of the proposed project; deleting obsolete provisions pertaining to the 1992 referendum vote; providing an effective date.

Proof of publication of the required notice was attached.

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

By Senator Forman—

SR 3042—A resolution recognizing the month of May as Intergenerational Awareness Month.

—was referred to the Committee on Rules and Calendar.

SR 3044 was introduced out of order and adopted this day.

By Senators Hargrett, Beard, Grant, Dantzler and Crist—

SR 3046—A resolution honoring the memory of Anthony "Tony" Pizzo for his extraordinary character and for the opportunity he has given others to learn and cherish Tampa's rich cultural heritage.

—was referred to the Committee on Rules and Calendar.

MOTIONS

On motions by Senator Hargrett, the rules were waived and by unanimous consent the following bills were introduced:

By Senator Hargrett—

SB 3100—A bill to be entitled An act relating to postsecondary education; amending s. 240.209, F.S.; requiring the Board of Regents to develop standards for the role of student advocate at each university; requiring review of plans; providing an effective date.

—which was read by title and referred to the Committees on Education and Appropriations.

By Senator Hargrett—

SB 3102—A bill to be entitled An act relating to public school instruction; amending s. 233.061, F.S., relating to required instruction; requiring the teaching of African-American history; providing an effective date.

—which was read by title and referred to the Committees on Education and Appropriations.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Natural Resources and Conservation—

CS for SB 140—A bill to be entitled An act relating to the Marine Fisheries Commission; repealing s. 18, ch. 93-213, Laws of Florida; abrogating the repeal of ss. 370.025-370.029, F.S., relating to the commission; providing an effective date.

By the Committee on Commerce and Senator Dudley—

CS for SB 150—A bill to be entitled An act relating to corporations not for profit; amending s. 617.0831, F.S.; excluding directors of homeowners' associations from provisions providing for immunity from liability

of certain corporate personnel; excluding directors of condominium, cooperative, and homeowners' associations, and time-share managing entities from provisions providing for indemnification of certain corporate personnel; amending s. 617.1908, F.S.; providing an exception to the nonapplication of the Florida Business Corporation Act to corporations not for profit; providing an effective date.

By the Committee on Judiciary and Senator Grant—

CS for SB 212—A bill to be entitled An act relating to dissolution of marriage; directing judicial circuits in the state to approve parenting courses; providing fees; authorizing required attendance under certain circumstances; authorizing the court to hold certain persons in contempt; providing an effective date.

By the Committee on Health Care and Senator Forman—

CS for SB 238—A bill to be entitled An act relating to medical education; creating s. 242.621, F.S.; providing for appropriations to the state's first accredited school of osteopathic medicine in the same manner as appropriations to the state's first accredited school of medicine; providing an effective date.

By the Committee on Personnel, Retirement and Collective Bargaining; and Senators Meadows, Holzendorf and Myers—

CS for SB's 302 and 196—A bill to be entitled An act relating to benefits for public employees; repealing s. 2, ch. 89-13, Laws of Florida, which provides for the review and repeal of ss. 110.401-110.407, F.S., relating to the Senior Management Service System, and of ss. 110.601-110.607, F.S., relating to the Selected Exempt Service System; amending s. 112.363, F.S.; providing for changes to the Health Insurance Subsidy Trust Fund; amending s. 112.61, F.S.; modifying legislative intent; amending s. 121.021, F.S.; redefining the term "creditable service"; amending s. 121.051, F.S.; providing membership status of regular receivership employees of the Division of Rehabilitation and Liquidation; amending ss. 121.052, 121.055, 121.071, and 121.40, F.S.; revising contribution rates applicable to members of the Elected State and County Officers' Class, the Senior Management Service Class, and the Regular, Special Risk, and Special Risk Administrative Support Classes of the Florida Retirement System and the contribution rate applicable to the supplemental retirement plan for the Institute of Food and Agricultural Sciences of the University of Florida; creating s. 121.1115, F.S.; providing for the purchase of creditable service for periods of employment as public employees in other states, subject to certain limitations and conditions; providing for payment of costs; amending ss. 175.121, 175.401, 185.10, and 185.50, F.S.; providing for compliance with part VII, chapter 112, F.S.; providing legislative intent with respect to contribution rates; providing legislative findings; repealing s. 121.056, F.S., relating to contribution rate adjustments; providing an effective date.

By the Committee on Health Care and Senator Myers—

CS for SB 362—A bill to be entitled An act relating to human immunodeficiency virus; amending s. 384.25, F.S.; providing for mandatory physician reporting of HIV infection to the county public health units for specified purposes; revising requirements for county public health unit reporting of HIV infection to the State Health Office; providing an effective date.

By the Committee on Executive Business, Ethics and Elections; and Senator Brown-Waite—

CS for SB 436—A bill to be entitled An act relating to political endorsements; amending s. 106.03, F.S.; revising the registration requirements of political committees; reenacting s. 106.04(2), (4)(c), F.S., relating to committees of continuous existence, to incorporate an amendment to s. 106.03, F.S., in a reference thereto; amending s. 106.07, F.S.; providing for identification of certain political contributors; prescribing content of campaign finance reports; amending s. 106.08, F.S.; requiring that a political committee of continuous existence make certain disclosures when making a contribution; creating s. 106.145, F.S.; requiring the publi-

cation in a political advertisement of the name of a political committee, committee of continuous existence, or other organization that endorses a candidate for public office; providing a civil penalty; reenacting s. 106.29(1)(a), F.S., relating to reports to incorporate an amendment to s. 106.07, F.S., in a reference thereto; providing an effective date.

By the Committee on Commerce and Senator Dudley—

CS for SB 480—A bill to be entitled An act relating to unemployment compensation; amending s. 443.101, F.S.; providing that a claimant will be disqualified for benefits if he is discharged for drug use as evidenced by a positive, confirmed drug test, or if he is rejected from offered employment because of a positive, confirmed drug test required as a condition of employment; providing that results of such a drug test are self authenticating and admissible in employment compensation hearings, and create a rebuttable presumption, when certain conditions are met; providing an effective date.

By the Committee on Criminal Justice and Senators Grogan, Silver and Bankhead—

CS for SB's 534, 1664 and 2368—A bill to be entitled An act relating to victim's compensation and victim's assistance; amending s. 960.07, F.S.; revising provisions with respect to the filing of claims for compensation under the Florida Crimes Compensation Act; amending s. 960.13, F.S.; providing that payments made under the act shall be considered payment of last resort that follows all other sources; revising provisions with respect to awards; providing for an award for mental health care for a minor whose normal emotional development was adversely affected by being the victim of a crime; amending s. 960.14, F.S.; providing that where a claimant under the act owes money to the Crimes Compensation Trust Fund the amount owed shall be reduced from the award; providing that payment made to a service provider is considered payment in full for services rendered to the victim; amending s. 960.17, F.S.; providing that certain payments under the act shall create an obligation of restitution; amending s. 960.20, F.S.; providing that certain costs are considered assessed unless specifically waived by the court; providing that certain costs shall be included in a judgment; amending s. 960.28, F.S.; revising provisions with respect to payment for victims' initial examinations; creating s. 624.128, F.S.; providing that certain insurance provisions are not applicable to a person eligible under the Florida Crimes Compensation Act; amending s. 775.0835, F.S.; providing that certain costs are considered assessed unless specifically waived by the court; amending s. 775.089, F.S.; providing that payment of an award by the Crimes Compensation Trust Fund shall create an order of restitution; redefining the term "victim"; expanding the scope of restitution orders; providing for the conversion of certain orders to a judgment; amending s. 944.516, F.S.; providing for distribution of a specified portion of deposits made to an inmate trust account; amending s. 960.001, F.S.; directing the Executive Office of the Governor to determine when an agency needs to amend or modify existing guidelines for fair treatment of victims and witnesses; requiring agencies to file certain additional documents with such office; requiring such office to issue an annual report detailing agency compliance with the guidelines; conforming a cross-reference; amending ss. 215.20 and 215.22, F.S.; exempting the Crimes Compensation Trust Fund from the payment of a deduction to the General Revenue Fund; amending s. 39.022, F.S.; conforming a cross-reference; amending s. 921.187, F.S.; revising provisions with respect to restitution orders; providing an effective date.

By the Committee on Commerce and Senator Sullivan—

CS for SB 606—A bill to be entitled An act relating to Medicaid; amending ss. 409.906, 409.908, F.S.; changing references from the Department of Health and Rehabilitative Services to the Agency for Health Care Administration; requiring reimbursement for services provided by physician assistants; deleting a reference to former s. 409.9114, F.S.; providing an effective date.

By the Committees on Commerce; Natural Resources and Conservation; and Senator Dantzler—

CS for CS for SB 624—A bill to be entitled An act relating to pollution prevention; creating s. 403.070, F.S.; creating the Pollution Prevention Act of 1994; creating s. 403.071, F.S.; providing legislative findings and intent; creating s. 403.0725, F.S.; providing definitions; amending s. 403.073, F.S.; providing for an evaluation and recommendations for voluntary pollution prevention goals and methods to measure pollution prevention progress; deleting obsolete language; amending s. 403.074, F.S.; providing for the development and implementation of a voluntary pollution prevention program; expanding technical assistance programs for pollution prevention; providing for an annual report on statewide progress in pollution prevention; creating s. 403.0745, F.S.; establishing a matching grant program for small businesses in the state for pollution prevention projects; creating s. 403.075, F.S.; providing for supplemental environmental projects in lieu of civil penalties assessed; creating s. 403.0751, F.S.; providing for the evaluation of regulatory incentives for facilities that propose pollution prevention goals which go beyond requirements of law; providing conditions for incentives eligibility; exempting the agreement for voluntary pollution prevention from chapter 120; providing for written comments from the public on a facility's proposed pollution prevention goal; creating s. 403.0752, F.S.; authorizing counties which receive recycling and education grants which have met their waste reduction goals to use grant funds for pollution prevention projects; amending s. 212.051, F.S.; providing a sales tax exemption for devices, equipment, materials, engineering services, fixtures, and machinery used primarily for preventing pollution; providing for a comprehensive report to the Legislature; providing for legislative action if significant progress is not demonstrated; providing appropriations; repealing s. 403.072, F.S., relating to a short title; providing an effective date.

By the Committee on Judiciary and Senators Johnson and Jones—

CS for SB 628—A bill to be entitled An act relating to real property; amending s. 617.302, F.S.; removing exemptions from certain regulations applicable to homeowners' associations; requiring the developer of residential real property to disclose deed restrictions and covenants prior to sale; prescribing a period before signing any contract to enable the prospective purchaser to review the deed restrictions or covenants; specifying applicability; providing for the transfer of control of a homeowners' association from the developer to the owners of the lots or parcels; requiring that the Secretary of Business and Professional Regulation prepare guidelines for transferring control of a homeowners' association; requiring that the Secretary of Business and Professional Regulation appoint an advisory council to advise and assist in resolving disputes among developers, homeowners' associations, property managers, and homeowners; requiring annual financial reports concerning common areas, recreational facilities, and other properties serving the lots or parcels in a subdivision; providing an effective date.

By the Committee on Personnel, Retirement and Collective Bargaining; and Senator Wexler—

CS for SB 682—A bill to be entitled An act relating to firefighters, paramedics, emergency medical technicians, law enforcement officers, and correctional officers; providing legislative intent; creating s. 112.181, F.S.; providing definitions; providing that a disability caused by certain diseases shall be presumed to have been suffered in the line of duty in certain circumstances and if certain conditions are met; authorizing certain insurance contracts to include coverage for such disabilities; requiring records to be kept of an employee's exposure to such disease; requiring an employee to be notified of such exposure; providing for confidentiality; providing a contribution rate increase to fund the act; providing for construction; providing an effective date.

By the Committee on Judiciary and Senator Jones—

CS for SB 1054—A bill to be entitled An act relating to commercial real property transactions; providing legislative findings; providing that the Attorney General is to consult with interested groups and make recommendations to the Legislature concerning the application of caveat emptor to real property transactions; providing an effective date.

By the Committee on Criminal Justice and Senator Silver—

CS for SB 1070—A bill to be entitled An act relating to career criminals; providing for minimum mandatory terms of imprisonment for "career criminals," as defined; providing that the requirements for sentencing "career criminals" do not preclude imposing the death penalty in capital cases; providing a limitation on the period during which an offense is considered a prior offense for purposes of sentencing a person as a career criminal; authorizing the award of certain gain-time for a person sentenced as a career criminal; amending s. 790.23, F.S., as amended; providing a minimum mandatory term of imprisonment for certain persons convicted of unlawful possession of firearms, electric weapons or devices, or other weapons; providing applicability; providing an effective date.

By the Committee on Criminal Justice and Senator Gutman—

CS for SB 1176—A bill to be entitled An act relating to violent crime; amending s. 943.031, F.S.; specifying duties of the Florida Violent Crime Council; amending s. 943.04, F.S.; providing expanded functions for regional violent crime investigation teams; amending s. 943.042, F.S.; revising provisions relating to use of the Violent Crime Investigative Emergency Account within the Department of Law Enforcement Operating Trust Fund; amending s. 943.32, F.S.; establishing a state-operated criminal analysis laboratory in Key West; amending s. 943.35, F.S.; deleting the eligibility of the Monroe County Sheriff's Crime Laboratory to receive state funding; amending s. 943.355, F.S.; revising the number of members on the Florida Crime Laboratory Council; amending s. 943.37, F.S.; providing for the transfer of sick and annual leave credits by an employee becoming a member of the state-operated laboratories; providing an appropriation; providing an effective date.

By the Committee on Commerce and Senator Jennings—

CS for SB 1192—A bill to be entitled An act relating to insurance; amending s. 624.438, F.S.; specifying eligibility requirements for a certificate of authority as a multiple-employer welfare arrangement; amending s. 624.605, F.S.; excluding credit property insurance from the definition of property insurance; amending s. 626.561, F.S.; providing a criminal penalty for depriving a person of trust funds or benefits therefrom; providing that failure to forward certain premiums is prima facie evidence of certain personal use of the premiums or that the lawful owner was deprived of a benefit therefrom; amending s. 626.88, F.S.; revising definitions relating to third party administrators; creating s. 626.8804, F.S.; requiring a license fee for a certificate of authority to act as an administrator; amending s. 626.8805, F.S.; revising provisions relating to certificates of authority to act as an administrator; creating s. 626.8806, F.S.; exempting certain administrators from certificate requirements; creating s. 626.8807, F.S.; providing for waiver of application requirements for certification under certain circumstances; creating s. 626.8808, F.S.; exempting certain persons from certification requirements under certain circumstances; amending s. 626.882, F.S.; revising requirements for agreements between administrators and insurers; amending s. 626.883, F.S.; revising provisions providing for administrators to act as intermediaries between insurers and insureds; deleting provisions providing for collection and deposit of charges or premiums and payments from fiduciary accounts; amending s. 626.884, F.S.; revising provisions for maintenance of records by an administrator; transferring and renumbering s. 626.887, F.S.; creating s. 626.8844, F.S.; providing responsibilities of insurers who use administrators; creating s. 626.8846, F.S.; providing requirements for collection and payment of claims by administrators; providing for fiduciary capacity of administrators; providing for establishment of accounts and payment from such accounts; amending s. 626.888, F.S.; prohibiting an administrator from entering into certain financial agreements with insurers under certain circumstances; amending s. 626.885, F.S.; revising provisions requiring notice to covered individuals and disclosure of charges and fees; amending s. 626.886, F.S.; providing for delivery of certain materials to insureds or covered individuals; amending s. 626.89, F.S.; revising provisions requiring an annual report; amending s. 626.891, F.S.; clarifying provisions providing grounds for suspension or revocation of a certificate of authority; amending s. 626.893, F.S.; clarifying provisions providing for a period of suspension and reinstatement; amending s. 626.894, F.S.; clarifying provisions providing for an administrative fine; amending s. 626.898, F.S.; requiring service companies to maintain finan-

cial statements; creating s. 626.8991, F.S.; abolishing authority of the department to issue new certificates of authority to service companies or service agents; repealing ss. 626.8809, 626.8817, F.S., relating to fidelity bonds and responsibilities of insurance companies with respect to administration of coverage; amending s. 626.989, F.S.; providing immunity for the disclosure by insurers of information relating to fraudulent insurance acts; creating s. 626.9891, F.S.; providing for insurer anti-fraud investigative units; amending s. 817.234, F.S.; providing a penalty for knowingly presenting or concealing certain information in an application for insurance; defining "insurer"; amending s. 895.02, F.S.; providing that specified violations of the Insurance Code constitute racketeering activity; providing an effective date.

By the Committee on Commerce and Senator McKay—

CS for SB 1210—A bill to be entitled An act relating to insurance; amending s. 627.736, F.S.; specifying a violation of the Insurance Code for a certain activity; creating s. 627.7401, F.S.; requiring the Department of Insurance to provide by rule for notification by insurers of certain rights of insureds; requiring insurers to provide such notification to insureds under certain circumstances; providing an effective date.

By the Committee on Professional Regulation and Senators Forman and Wexler—

CS for SB 1236—A bill to be entitled An act relating to moving and storage; creating part XII of ch. 559, F.S.; creating the "Florida Moving and Storage Act"; providing a short title; providing purposes; providing applicability; providing definitions; providing for registration, insurance, and bonding; requiring estimates of certain costs; requiring a contract for service and a disclosure statement for transportation by movers; specifying contents of such contracts; providing criteria and procedures for estimates; making certain activities by movers unlawful under certain circumstances; providing a penalty; providing for payment of charges in excess of an estimate; providing for preparation of an inventory under certain circumstances; specifying acceptable forms of payment; requiring transportation of goods with reasonable dispatch; providing for liability of movers under certain circumstances; providing exceptions; requiring the keeping of certain records; providing procedures for handling inquiries and complaints; providing for a written statement of satisfaction; specifying the contents of such statement; providing procedures for acknowledging claims; providing for investigation of claims; providing for disposition of claims; providing powers and duties of the Department of Business and Professional Regulation; authorizing the department to adopt rules; providing an effective date; specifying certain activities as grounds for certain disciplinary action; authorizing the department to take certain disciplinary action; authorizing the department to bring actions to enjoin certain activities under certain circumstances; providing civil penalties; providing for private remedies; providing for penalties; specifying unfair and deceptive trade practices; providing for construction of provisions of the act; providing an effective date.

By the Committee on Judiciary and Senator Boczar—

CS for SB 1260—A bill to be entitled An act relating to parent-child tort immunity; stating purpose; abrogating the common law doctrine with regard to certain actions founded on abuse or sexual battery; precluding applicability to reasonable parental discipline; authorizing appointment of a guardian ad litem for the child; amending s. 744.301, F.S.; providing that the power a parent has to settle a civil action accruing to the parent's child does not apply to civil actions accruing against the parent; providing for applicability, attorney's fees, and severability; providing an effective date.

By the Committees on Commerce and Transportation and Senators Myers and Forman—

CS for CS for SB 1318—A bill to be entitled An act relating to highway safety and motor vehicles; amending s. 207.003, F.S.; clarifying a cross-reference with respect to the privilege tax; amending s. 207.004, F.S.; providing for temporary fuel-use permits and driveway permits; amending s. 207.005, F.S.; revising provisions with respect to taxes; amending s. 207.007, F.S.; revising provisions with respect to offenses,

penalties, and interest; amending s. 207.011, F.S.; deleting provisions with respect to an agreement between the Department of Revenue and the Department of Highway Safety and Motor Vehicles; amending s. 207.026, F.S.; providing a cross-reference; amending s. 207.0281, F.S.; revising provisions with respect to cooperative reciprocal agreements; repealing s. 207.029, F.S., relating to proof of liability insurance; amending s. 316.003, F.S.; redefining the terms "school bus" and "commercial motor vehicle"; amending s. 316.027, F.S., relating to accidents involving death or personal injuries; amending s. 316.192, F.S., relating to reckless driving; amending s. 316.655, F.S., relating to penalties; amending s. 318.13, F.S.; defining the term "infraction"; amending s. 318.14, F.S., relating to noncriminal traffic infractions; amending s. 318.18, F.S., relating to civil penalties; amending ss. 316.064, 316.066, F.S.; providing for a 10-day accident-reporting period; amending s. 316.183, F.S.; revising provisions with respect to the maximum allowable speed for school buses; amending s. 316.1937, F.S.; revising provisions with respect to ignition interlock devices; amending s. 316.1951, F.S.; providing for the removal of certain motor vehicles; amending s. 316.1967, F.S.; providing for the transmission of traffic-violation information by electronic means; amending s. 316.2065, F.S.; providing for the attachment of bicycle trailers; amending s. 316.217, F.S.; revising provisions with respect to when lighted lamps are required; amending s. 316.2397, F.S.; authorizing law enforcement and emergency vehicles to flash headlights; amending s. 316.2955, F.S.; directing the Department of Highway Safety and Motor Vehicles to make certain rules with respect to window sunscreening material; amending s. 316.302, F.S.; revising the rules to which commercial motor vehicles are subject; amending s. 316.545, F.S.; authorizing the issuance of temporary fuel-use permits; amending s. 316.613, F.S.; providing for vehicle manufacturers' integrated child seats; revising exemptions to the term "motor vehicle" with respect to child restraint laws; amending s. 316.615, F.S.; revising provisions with respect to the inspection of school buses; requiring certain insurance coverage; amending s. 316.640, F.S.; providing for enforcement of traffic laws; amending s. 316.650, F.S.; revising provisions with respect to traffic citations; repealing s. 316.71, F.S., relating to the suspension or delay of specified functions and requirements, and the imposition of specified fees relating to highway safety and motor vehicles; amending s. 318.14, F.S.; revising provisions with respect to noncriminal traffic infractions; amending s. 318.1451, F.S.; providing for an additional assessment to be collected by driver improvement schools; amending s. 319.231, F.S.; revising provisions with respect to exceptions to an additional fee imposed on certain motor vehicle title or registration-only transactions; amending s. 319.25, F.S.; deleting provisions with respect to lists and searches and fees with respect to cancellation of certificates of title; amending s. 320.01, F.S.; providing a definition with respect to fifth-wheel trailers; amending ss. 320.08, 320.081, F.S.; conform references; amending s. 320.822, F.S.; revising license fees and standards for trailers; amending s. 320.02, F.S.; authorizing licensed inspectors to issue notice of violations; providing penalties; providing for voluntary contributions, while registering certain motor vehicles, for deposit into the Transportation Disadvantaged Trust Fund; amending s. 320.03, F.S.; providing an exemption for the transfer of a registration by a motor vehicle dealer; amending s. 322.058, F.S.; providing an exemption for the transfer of a registration by a motor vehicle dealer; amending s. 320.05, F.S.; providing for lists and searches and fees with respect to certain documents; amending s. 320.06, F.S.; revising provisions with respect to the form of certain registration license plates and revising a fee schedule; amending s. 320.0605, F.S., relating to certificate of registration; revising the period of applicability; amending s. 320.0607, F.S.; providing for a reduced fee to replace stolen plates, stickers, or decals; creating s. 320.0657, F.S.; providing for permanent registration and for fleet license plates; amending s. 320.08, F.S.; revising provisions with respect to license taxes on heavy trucks and truck tractors; creating s. 320.08035, F.S.; providing for reduced-dimension license plates for certain vehicles owned or leased by disabled persons; amending s. 320.0805, F.S.; providing for personalized prestige license plates for lessees of motor vehicles; amending s. 320.08065, F.S.; revising provisions with respect to Florida panther license plates; amending s. 320.08066, F.S.; revising provisions with respect to manatee license plates; amending s. 320.0808, F.S.; providing for the issuance of Challenger license plates to lessees; amending s. 320.0809, F.S.; providing for the issuance of collegiate license plates to lessees; amending s. 320.083, F.S.; providing that certain license plates available to amateur radio operators shall be available for lessees of motor vehicles; amending s. 320.089, F.S.; authorizing lessees to receive certain license plates; amending s. 320.0895, F.S.; revising provisions with respect to Florida Salutes Veterans license plates; amending s. 320.0896, F.S.; providing for Florida Special Olympics license plates to motor vehicle lessees; amending s. 320.1325, F.S.; prohibiting the issuance of tempo-

rarily employed registration plates to any commercial motor vehicle; providing for the issuance to lessees; amending s. 320.18, F.S.; providing for the canceling of registration; amending s. 320.27, F.S.; redefining the term "motor vehicle dealer"; amending s. 320.8231, F.S.; conforming a cross-reference; amending s. 320.824, F.S.; conforming a cross-reference; amending s. 320.8285, F.S.; revising provisions with respect to onsite inspection of mobile homes; repealing s. 320.866, F.S., relating to fees for certain documents; amending s. 322.01, F.S.; revising definitions; amending s. 322.02, F.S.; providing for reciprocal agreements with other political entities; amending s. 322.0261, F.S.; revising provisions with respect to mandatory driver-improvement courses; providing for a fee; amending s. 322.03, F.S.; providing requirements with respect to the operation of a motorcycle; amending s. 322.055, F.S.; providing for petition for restoration of driving privilege for certain violations; amending s. 322.12, F.S.; providing for a hazardous-materials endorsement on a person's driver's license; amending s. 322.121, F.S.; revising provisions with respect to the periodic reexamination of all drivers; amending s. 322.126, F.S.; requiring certain reports to describe a driver's alleged disability; amending s. 322.221, F.S.; prescribing matters that constitute good cause for the department to examine the competency of a driver; amending s. 322.14, F.S.; requiring certain persons seeking a driver's license to appear in person; amending s. 322.21, F.S.; revising provisions with respect to certain persons who are exempt from delinquent fees for license expiration; amending s. 322.22, F.S.; revising provisions with respect to license cancellation; amending s. 322.24, F.S.; providing reference to foreign countries with respect to license suspension; amending s. 322.27, F.S.; revising provisions with respect to the point system for out-of-state convictions; amending s. 322.271, F.S.; prohibiting the issuance of commercial driver's licenses under certain circumstances; amending s. 322.34, F.S.; revising provisions with respect to driving without a driver's license or while the driver's license or driving privilege is suspended, revoked, canceled, or disqualified; amending s. 322.53, F.S.; providing an additional exemption from the requirement of having to obtain a commercial driver's license; amending s. 322.57, F.S.; providing for requirements with respect to tests for hazardous-materials endorsements; amending s. 322.66, F.S.; revising provisions with respect to vehicles permitted to be driven during a skills test; amending s. 324.031, F.S.; revising amounts with respect to proving financial responsibility; amending s. 324.051, F.S.; revising the accident-reporting requirements for law enforcement officers for purposes of the motor-vehicle-owner-or-operator financial-responsibility laws; amending s. 324.071, F.S.; increasing a reinstatement fee; amending s. 324.161, F.S.; increasing amounts with respect to proof of financial responsibility; amending s. 325.202, F.S.; redefining the term "program area"; repealing s. 3(7) of ch. 89-168, Laws of Florida, which provides for the repeal of s. 320.08066, F.S., on January 1, 1995; providing an effective date.

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

CS for SB 1350—A bill to be entitled An act relating to Everglades restoration; amending s. 373.4592, F.S.; providing legislative findings and intent with respect to restoring the Everglades; providing definitions; exempting the Everglades Protection Area and the Everglades Agricultural Area from the Everglades SWIM Plan; deleting provisions requiring the adoption of an Everglades SWIM Plan; directing the South Florida Water Management District to implement the Everglades Construction Project; limiting ad valorem expenditures in the Okeechobee Basin for the project; providing a preference for displaced workers; providing milestones for completion of the project; requiring the district to improve the hydroperiod of the Everglades Protection Area and to maximize water quantity benefits; providing for alternative projects; providing for suspension, modification, or termination of the project due to nonachievement of goals; requiring a report to the Legislature; providing for an Everglades Research Program; requiring a monitoring program to evaluate effectiveness of the stormwater treatment areas and best management practices for these areas; requiring a report to the Governor and Legislature; requiring the Department of Environmental Protection and the district to determine long-term water quality standards and criteria; providing for evaluation of water quality standards; requiring the department to take action to ensure compliance with state water quality standards by July 1, 1997; establishing an alternate standard for phosphorous under specified circumstances; providing for permittees in compliance with best management practices permit conditions to be exempted from other water quality improvement measures until December 31, 2006; providing procedures to evaluate compliance; providing for water supply and hydroperiod improvement; providing requirements for said improve-

ments; requiring monitoring and control of exotic species; providing for farmers adversely impacted by land acquisition to have priority in leasing state and water management district lands; providing for a specified lease renewal by the Department of Corrections; providing for agricultural discharge fees; requiring a discharge permit; deleting provisions providing for a dedicated fund for stormwater management and the creation of stormwater utilities; requiring the district to apply for a permit to incorporate the Everglades Construction Project; authorizing stormwater treatment area discharges into the Everglades Protection Area if said areas are approved by the department and are in compliance with s. 373.4592, F.S.; providing criteria for stormwater treatment area compliance; requiring revision of the Interim B permit application; establishing an interim total phosphorous discharge level; directing the district to establish an Everglades Fund; providing uses for the fund; amending s. 259.101, F.S.; providing \$5 million annually from Preservation 2000 funds to the district to further the restoration of the Everglades; continuing the collection of tolls on Alligator Alley until December 31, 2004; providing uses for tolls; amending s. 298.22, F.S.; authorizing the condemnation or acquisition of land to implement s. 373.4592, F.S.; repealing s. 1 of ch. 91-80, Laws of Florida, which prescribes a short title for ch. 91-80, Laws of Florida; providing an effective date.

By the Committee on Commerce and Senators Dudley, Silver, Kiser, Jenne, Brown-Waite, Crist and Gutman—

CS for SB 1394—A bill to be entitled An act relating to interstate reciprocal banking; amending s. 658.295, F.S.; creating the Florida Reciprocal Banking Act; providing definitions; authorizing out-of-state bank holding companies to acquire a Florida bank or Florida bank holding company upon approval of the Department of Banking and Finance; prohibiting certain transactions by out-of-state bank holding companies; providing for enforcement; providing a statement of purpose; amending s. 658.73, F.S.; clarifying application of certain fees; providing for severability; providing an effective date.

By the Committee on Rules and Calendar; and Senators Williams and Dudley—

CS for SB 1440—A bill to be entitled An act relating to administrative rules; amending s. 11.60, F.S.; requiring reports of the Administrative Procedures Committee to contain certain information; prescribing duties of the committee to continuously review the administrative rulemaking process; amending s. 120.51, F.S.; prescribing requirements that must be considered before an agency may be given rulemaking power by the Legislature; amending s. 120.52, F.S.; redefining the term "invalid exercise of delegated legislative authority," for purposes of the Administrative Procedure Act; amending s. 120.535, F.S.; prescribing authority of the Administrative Procedures Committee to seek an administrative determination that an agency statement violates the requirement that rulemaking be feasible and practicable; creating s. 120.534, F.S.; describing rulemaking authority that must be granted before an agency may adopt a rule; providing for repeal of rules that were adopted in excess of rulemaking authority as limited in this act; amending s. 120.54, F.S.; requiring additional information to be given in notices of proposed rules; providing for agencies to prepare rule development statements and prescribing the content of such statements; revising provisions on who may challenge a proposed rule and when a challenge must be filed; revising limits on when a rule may be filed for adoption; requiring filing of additional materials; providing for notice when a rule to be adopted is unchanged from the rule as previously filed; requiring additional information to be included with that certified when a rule is filed; providing for the Department of State to reject certain rules; amending s. 120.545, F.S.; prescribing procedures when the Administrative Procedures Committee objects to a rule; creating the Florida Administrative Law Revision Council and prescribing its membership and duties; providing an appropriation; providing an effective date.

By the Committee on Commerce and Senators Silver and Grant—

CS for SB 1476—A bill to be entitled An act relating to consumer finance; amending s. 516.031, F.S.; authorizing certain additional finance charges for consumer loans; amending s. 516.11, F.S.; requiring a licensee to pay travel and per diem expenses under certain circumstances; amending s. 516.12, F.S.; authorizing licensees to maintain certain records in certain locations under certain circumstances; providing an effective date.

By the Committee on Health Care and Senators Wexler, Kirkpatrick, Dudley, Williams, Harden, Foley, Crist, Sullivan, Beard, Johnson, Myers, Burt, Jones, Kiser, Brown-Waite, McKay, Meadows, Bankhead, Grant and Jennings—

CS for SB 1512—A bill to be entitled An act relating to procurement of personal property and services; creating s. 255.0516, F.S.; requiring a contractor's employees in certain state contracts to have access to a group health benefit plan; amending s. 287.088, F.S.; revising requirements that state contractors provide a group health benefit plan for their eligible employees; eliminating the definition of the term "subcontractor"; defining the terms "access" and "eligible employee"; redefining the term "contractor"; requiring access to a group health plan for eligible employees of state contractors and eliminating the applicability of the requirement to subcontractors; changing the effective date of the requirement; revising threshold amounts; requiring distribution of information on community health purchasing alliances under specified circumstances; revising penalties for failure to comply; revising times for contractor compliance; revising posting requirements; prohibiting the mandating of employer contributions; creating the State Contractor Health Insurance Access Task Force; providing membership and duties; requiring a report; providing for administrative support to the task force by the Department of Management Services and the Agency for Health Care Administration; providing an effective date.

By the Committee on Health and Rehabilitative Services; and Senators Myers and Foran—

CS for SB 1516—A bill to be entitled An act relating to aging and adult services; amending s. 20.19, F.S., pertaining to the Department of Health and Rehabilitative Services; prescribing responsibilities of the department with respect to making eligibility determinations for programs related to the supplemental security income (SSI) program; identifying a pilot project; adding a program to responsibilities of the Children and Families Program Office; requiring a report by area agencies on aging to district health and human services boards; deleting authority for aging and adult services; amending s. 20.41, F.S.; requiring the secretary of the Department of Elderly Affairs to be confirmed by the Senate; establishing the administrative structure of the department; creating a Bureau of Adult Programs; providing for headquarters, service facilities, and planning and service areas; deleting obsolete provisions relating to the establishment of the department; transferring responsibility for administering the home-care-for-the-elderly program, the home-care-for-disabled-adults program, the community-care-for-disabled-adults program, and the nursing home preadmission screening program, for providing placement and supportive services for the elderly, for establishing rules for adult family care homes, adult day care centers, and adult congregate living facilities, for training administrators and staff of adult congregate living facilities and sponsors of adult family care homes, and for meeting the special needs of the elderly for housing and living arrangements, from the Department of Health and Rehabilitative Services to the Department of Elderly Affairs; providing for continuation of existing rules; providing for transfer of pending judicial and administrative proceedings; providing for a phase-in period; providing for the determination of resources to be transferred; amending s. 110.501, F.S., pertaining to state volunteers, to conform a reference to a section renumbered by this act; amending s. 395.605, F.S., pertaining to emergency care hospitals, to delete a reference to a section repealed by this act; amending ss. 400.402, 400.408, 400.441, 400.452, F.S., to conform provisions of the Adult Congregate Living Facilities Act to the reorganization made by this act; amending s. 400.426, F.S., to provide for placements to be made under the latter act by the Department of Elderly Affairs or its designee; reenacting s. 400.427(6)(a), F.S.; correcting a typographical error relating to property and personal affairs of residents of an adult congregate living facility; amending s. 400.464, F.S., pertaining to home health agencies, to conform a reference to a section renumbered by this act; amending ss. 400.551, 400.562, F.S., to conform provisions pertaining to adult day care centers to the reorganization made by this act; amending ss. 400.605, 400.606, F.S., to remove rulemaking responsibility with respect to hospices from the Agency for Health Care Administration and to place that responsibility in the Department of Elderly Affairs; amending ss. 400.618, 400.619, 400.621, 400.623, F.S., to conform the provisions of the Adult Family Care Home Act to the reorganization made by this act; amending ss. 402.165, 402.166, 402.167, F.S., pertaining to the statewide and district human rights advocacy committees, to increase their responsibilities to include

responsibility for advocacy for clients of the Department of Elderly Affairs; also prescribing the responsibilities of the Department of Health and Rehabilitative Services, the Department of Elderly Affairs, and the area agencies on aging with respect to these committees; amending s. 402.33, F.S., pertaining to the authority of the Department of Health and Rehabilitative Services to charge fees for services provided, to conform a reference to a section renumbered by this act; transferring, renumbering, and amending s. 410.011, F.S., pertaining to the administration of federal programs on aging in this state, to conform to changes in the law; repealing s. 410.016, F.S., relating to responsibilities of the Department of Health and Rehabilitative Services with respect to the state's elderly population; transferring, renumbering, and amending ss. 410.021, 410.022, 410.023, 410.024, 410.0241, 410.026, 410.029, 410.0295, F.S., pertaining to the Community Care for the Elderly Act, to conform to changes in the law; revising legislative intent and definitions; requiring area agencies on aging to make reports to district health and human services boards; prescribing powers and duties of the department; revising the program; authorizing provider agencies to assess fees for services rendered; providing for community care service systems under the area agencies on aging; authorizing certain contracts; improving clarity; deleting obsolete provisions; conforming cross-references; transferring, renumbering, and amending ss. 410.031, 410.032, 410.033, 410.034, 410.035, 410.036, 410.037, F.S., pertaining to home care for disabled adults; extending eligibility for subsidy payments to providers of goods and services; providing for medical, dental, or pharmaceutical expenses to be paid as a special supplement; improving clarity; deleting obsolete provisions; repealing ss. 410.201, 410.2015, 410.202, F.S., relating to the older volunteer service credit program; transferring, renumbering, and amending s. 410.401, F.S.; revising membership of the Alzheimer's Disease Advisory Committee; providing for staff; transferring the committee and the Alzheimer's disease research grant program from the Department of Health and Rehabilitative Services to the Department of Elderly Affairs; prescribing duties of the committee; providing for staff; transferring, renumbering, and amending ss. 410.402, 410.403, F.S., pertaining to the administration of provisions relating to Alzheimer's disease and memory disorder research and day care and respite care programs, to conform to changes in the law; revising these provisions; correcting a reference to a memory disorder clinic; providing for an additional memory disorder clinic; conforming cross-references; transferring, renumbering, and amending s. 410.502, F.S.; conforming provisions related to housing and living arrangements that meet the special needs of the elderly to the reorganization made by this act; improving clarity; transferring, renumbering, and amending s. 410.504, F.S., pertaining to the multidisciplinary center on elderly living environments; conforming provisions; improving clarity; transferring, renumbering, and amending ss. 410.601-410.606, F.S., pertaining to the community-care-for-disabled-adults program, to transfer responsibility for the program to the Department of Elderly Affairs and to specify the priority to be given to disabled adults referred to the program by adult protective services; amending s. 420.36, F.S., pertaining to the Low-income Emergency Repair Program, to conform references to sections renumbered by this act; amending ss. 430.02, 430.03, F.S.; conforming legislative intent and purpose with respect to programs administered by the Department of Elderly Affairs; amending s. 430.04, F.S.; providing duties of the department with respect thereto; requiring the Department of Elderly Affairs to comply with provisions pertaining to the statewide and district human rights advocacy committees and to incorporate rules adopted by the Department of Health and Rehabilitative Services which pertain to those committees into the rules adopted by the Department of Elderly Affairs; amending s. 430.06, F.S.; providing for updates of the plan for improving social services and long-term care for elderly persons; amending s. 430.07, F.S.; converting the Office of Volunteer Community Service into a division of the department; providing responsibilities of that division, creating ss. 430.601, 430.602, 430.603, 430.604, 430.605, 430.606, 430.607, 430.608, F.S.; establishing a home-care-for-the-elderly program under the Department of Elderly Affairs; providing for certain subsidy payments; providing for eligibility; providing contract requirements; providing for confidentiality; creating a pilot project in certain planning and service areas; creating a pilot project for eligibility determination in certain planning and service areas; creating s. 430.801, F.S.; providing for measurement and reporting of outcome evaluation and program effectiveness of programs administered by the department; providing for the use of any moneys saved under the act; providing an effective date.

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

CS for SB 1534—A bill to be entitled An act relating to the Game and Fresh Water Fish Commission; amending s. 370.01, F.S.; defining the terms "exhibit" and "authorization"; amending s. 370.0605, F.S.; revising provisions with respect to saltwater fishing licenses and fees; amending s. 370.0606, F.S.; revising provisions with respect to the appointment of subagents for the sale of saltwater fishing licenses; amending s. 370.0608, F.S.; providing for the annual appropriation of a certain amount of the total proceeds derived from the sale of 5-year licenses; amending ss. 370.0615, 372.5712, 372.5714, 372.5715, 372.573, 372.58, 372.581, 372.59, and 372.711, F.S.; deleting reference to stamps and substituting the term "permit" therefor; amending s. 370.062, F.S.; providing that the Game and Fresh Water Fish Commission and any tax collector may sell tags for the harvest of tarpon; providing procedures and providing for the disposition of fees; amending s. 370.1111, F.S.; revising provisions with respect to regulations on the taking of snook to provide for the sale by the Game and Fresh Water Fish Commission and by the tax collectors of permits for snook; providing procedures and providing for the disposition of fees; amending s. 370.14, F.S.; revising provisions with respect to crawfish regulations to provide for the sale of permits by the commission and the tax collectors; providing procedures and providing for the disposition of fees; amending s. 372.0222, F.S.; authorizing the commission to enter into agreements with private vendors for vendor advertisements; providing for approval of advertisements; providing limitations; amending s. 372.561, F.S.; revising provisions with respect to the issuance of licenses to take wild animal life or freshwater aquatic life; providing for fees; deleting reference to stamps; providing procedures with respect to the collection of fees; amending s. 372.57, F.S.; revising provisions with respect to licenses and permits; amending s. 372.571, F.S.; conforming a cross-reference; including reference to permits; amending s. 372.574, F.S.; revising provisions with respect to the appointment of subagents for the sale of hunting, fishing, and trapping licenses and permits; providing fees and penalties; amending s. 372.60, F.S.; revising provisions with respect to the issuance of replacement licenses or permits; providing an appropriation; providing for a review of fee distributions and for legislation to be proposed; providing effective dates.

By the Committee on Criminal Justice and Senators Silver, Johnson and Crenshaw—

CS for SB's 1564, 1736 and 2194—A bill to be entitled An act relating to criminal penalties; requiring the court to sentence a defendant to life in prison if the defendant is convicted of a forcible felony, or other offense, at specified levels, and the defendant has two or more prior offenses that are or would be forcible felonies, or other offenses, at specified levels on the sentencing guidelines, if such offenses were committed in this state on or after the sentencing guidelines became effective; providing an effective date.

By the Committee on Professional Regulation and Senator Diaz-Balart—

CS for SB 1608—A bill to be entitled An act relating to opticianry; amending ss. 484.002 and 484.003, F.S.; correcting a reference; amending s. 484.007, F.S.; revising requirements for licensure as an optician; requiring the permitting of optical establishments; providing application and fee requirements for such a permit; requiring notice of change in ownership of an optical establishment; amending s. 484.013, F.S.; prohibiting the opening or operating of unpermitted optical establishments; providing penalties; amending s. 484.014, F.S.; applying grounds for disciplinary actions and the disciplinary actions themselves to optical establishment permitholders; amending s. 484.018, F.S.; providing additional exceptions to regulation under part I of chapter 484, F.S., relating to preparing and dispensing of eyeglasses and other optical devices; providing an effective date.

By the Committee on Personnel, Retirement and Collective Bargaining; and Senator Forman—

CS for SB 1740—A bill to be entitled An act relating to firefighters and paramedics; providing a declaration of important state interest; creating s. 112.183, F.S.; defining terms; providing that death or disability due to certain types of cancer suffered by firefighters or paramedics employed by the state or its political subdivisions is presumed accidental and suffered in the line of duty under certain conditions; providing for treatment for exposure when required by the employer; providing for use of certain safety equipment and practices; authorizing purchase of insurance by local governments; requiring the employer to keep records and notify firefighters and paramedics of exposure to known carcinogens; requiring firefighters and paramedics to file reports of exposure; providing an exception; providing criteria for physical exams for firefighters and paramedics; requiring certain medical tests prior to diagnosis; providing for construction of laws; providing for examination costs; providing for an increase in contribution rates for Florida Retirement System special risk employers; providing an effective date.

By the Committee on Executive Business, Ethics and Elections; and Senators Childers and Kirkpatrick—

CS for SB 1756—A bill to be entitled An act relating to the code of ethics for public officers and employees; amending s. 112.313, F.S.; revising provisions relating to conflicting employment or contractual relationships to include applicability to local government attorneys; providing exceptions; including appointed state officers, certain legislative employees, specified employees of the State University System, and elected officers of school districts in provisions restricting postemployment representation of others before their former agencies; providing a definition and applicability; authorizing school districts to adopt resolutions regulating postemployment representation of others by former employees before their former agencies; providing penalties; amending s. 112.3135, F.S.; prohibiting the appointment, employment, promotion, or advancement of any individual if such appointment, employment, promotion, or advancement is made by a collegial body of which a relative of the individual is a member; revising and providing definitions; providing penalties; amending s. 112.3144, F.S.; changing deadlines for the Commission on Ethics to prepare and submit to the Secretary of State the list of names, addresses, and offices held by every person required to file full and public disclosure of financial interests; amending s. 112.3145, F.S.; requiring local officers who do not permanently reside in any county in the state to file their statement of financial interests with the supervisor of elections of the county in which their agency maintains its headquarters; changing deadlines for the Commission on Ethics to prepare and submit to the Secretary of State and the supervisors of elections the list of names, addresses, and offices or positions held by every state officer, local officer, or specified employee required to disclose financial interests and clients represented before certain agencies, as applicable; amending ss. 112.3148 and 112.3149, F.S., relating to requirements for gift receipt and reporting and for honoraria; revising the definitions of "lobbyist" to provide applicability with respect to agency registration systems; allowing water management districts to give certain gifts if a public purpose can be shown; revising the definition of "honorarium" to exclude event or meeting registration fees; amending s. 112.317, F.S.; increasing the cap on civil penalties applicable to ethics and financial disclosure violations; modifying the standard for assessing costs and attorney's fees against a complainant; reenacting ss. 24.105(20)(b) and (c), 112.3145(6)(c) and (e), 112.322(2)(b), 287.175, and 350.043, F.S., relating to powers and duties of the Department of the Lottery, financial disclosure notice, powers and duties of the Commission on Ethics, penalties applicable to violations of provisions regulating state officer and employee transportation, and enforcement of provisions relating to the Public Service Commission, to incorporate the amendment to s. 112.317, F.S., in references thereto; amending s. 112.3185, F.S.; including the Public Service Commission under provisions applying restrictions on employees and former employees of agencies who participate or participated in the procurement of contractual services for their agencies; providing applicability; amending s. 112.324, F.S., relating to procedures on complaints of violations; requiring the public report on a dismissed complaint to state with particularity the reasons for dismissal; revising provisions relating to disciplinary officials or bodies and the public officers and employees subject to their disciplinary action; amending s. 112.326, F.S., relating to additional requirements; authorizing agencies and political subdivisions to adopt more stringent standards of conduct and disclosure requirements under certain circumstances; providing an effective date.

By the Committee on Professional Regulation and Senators Williams and Sullivan—

CS for SB 1776—A bill to be entitled An act relating to public accountancy; creating s. 473.3145, F.S.; providing for the issuance of certificates of special competence in specialized fields of public accountancy and establishing the fields for which those certificates may be issued; providing disclosure limitations and requirements; providing powers and duties of and limitations on the Board of Accountancy; providing for duration of certification and for recertification on a biennial basis; providing minimum standards for certification and recertification; providing for discipline; providing responsibilities of certificateholders; providing for fees; providing for establishment of the Specialization Advisory Committee to advise and assist the board; providing rulemaking authority; amending s. 473.322, F.S.; providing a penalty; amending s. 473.323, F.S.; providing disciplinary authority; providing an effective date.

By the Committee on Judiciary and Senator Grant—

CS for SB 1802—A bill to be entitled An act relating to beneficiaries of trusts; amending s. 737.303, F.S.; revising provisions relating to a trustee's duty to inform and account to beneficiaries; providing a definition; providing for a waiver; providing for preserving certain rights; amending s. 737.402, F.S.; clarifying powers of trustees; authorizing trustees to sever a trust instrument under certain circumstances; amending s. 737.403, F.S.; authorizing a court to permit trustees to consolidate or sever trust provisions; providing criteria; repealing s. 733.607(2), F.S., which provides for the payment of certain estate expenses; repealing s. 737.3056, F.S., which provides for trustee's duty to pay expenses and obligations of settlor's estate; repealing s. 737.3057, F.S., which provides for trustee's duty to provide notice to creditors; creating s. 733.607(2); providing for the payment of certain estate expenses; creating s. 737.3056, F.S.; providing for trustee's duty to pay expenses and obligations of settlor's estate; creating s. 737.3057, F.S.; providing for trustee's duty to provide notice to creditors; providing effective dates.

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

CS for SB 1858—A bill to be entitled An act relating to the child welfare system; amending s. 39.01, F.S., relating to definitions; revising definitions and adding new definitions; amending s. 39.40, F.S., relating to dependency proceedings; revising procedures; amending s. 39.402, F.S., relating to placement in a shelter; revising procedures and time periods; creating s. 39.4031, F.S.; providing case plan requirements; creating s. 39.4032, F.S.; providing for multidisciplinary case staffings; creating s. 39.4033, F.S.; providing for referral of a dependency case to court mediation; amending s. 39.404, F.S.; revising procedures relating to petitions for dependency; amending s. 39.405, F.S.; providing notice requirements and revising requirements relating to process and service in dependency proceedings; creating s. 39.4051, F.S.; providing special procedures in dependency cases when the identity or location of a parent is unknown; creating s. 39.4057, F.S.; providing for designation of permanent mailing address and use for notice purposes; amending s. 39.408, F.S., relating to hearings for dependency cases; revising disposition hearing provisions; amending s. 39.41, F.S.; revising powers of disposition in dependency cases; amending s. 39.427, F.S.; deleting reference to arbitration and providing for diversion mediation; amending s. 39.428, F.S.; providing for the establishment of a diversion mediation program; amending s. 39.429, F.S.; providing for diversion mediation disposition; repealing s. 39.43, F.S., relating to family arbitration; repealing s. 39.431, F.S., relating to family arbitrators; repealing s. 39.432, F.S., relating to family arbitration procedure; repealing s. 39.433, F.S., relating to family arbitration hearings; repealing s. 39.434, F.S., relating to family arbitration disposition; repealing s. 39.435, F.S., relating to family arbitration review; creating s. 39.4365, F.S.; providing for referral to "in need of services" mediation; amending s. 39.45, F.S.; revising legislative intent relating to children in foster care; amending s. 39.451, F.S.; deleting reference to performance agreements and providing for case planning for children in foster care; amending s. 39.452, F.S.; providing for case planning for children in foster care when parents do not participate; amending s. 39.453, F.S.; revising provisions relating to judicial review for children in foster care; amending s. 39.454, F.S.; deleting reference to performance agreements and providing for case planning relating to termination of parental rights proceed-

ings; amending s. 39.461, F.S.; revising requirements for petitions for termination of parental rights; creating s. 39.4611, F.S.; providing required elements of petitions for termination of parental rights; creating s. 39.4612, F.S.; providing requirements for determining the manifest best interest of the child; amending s. 39.462, F.S.; revising requirements relating to process and service in termination of parental rights proceedings; creating s. 39.4625, F.S.; providing special procedures when the identity or location of a parent is unknown in termination of parental rights proceedings; creating s. 39.4627, F.S.; providing penalties for false statements of paternity in conjunction with termination of parental rights proceedings in certain circumstances; amending s. 39.464, F.S.; revising provisions relating to grounds for termination of parental rights; amending s. 39.465, F.S.; revising provisions relating to guardians ad litem in termination of parental rights proceedings; amending s. 39.466, F.S.; revising advisory hearing procedure in termination of parental rights proceedings; amending s. 39.467, F.S.; revising adjudicatory hearing procedure in termination of parental rights proceedings; amending s. 39.469, F.S.; revising disposition powers and procedure in termination of parental rights proceedings; repealing s. 39.468, F.S., relating to orders of adjudication; amending s. 39.47, F.S., relating to subsequent adoption proceedings and notification of parents; amending s. 39.473, F.S.; revising appeal procedure in termination of parental rights proceedings; amending s. 44.1011, F.S., relating to mediation alternatives; adding a definition; amending s. 44.102, F.S., relating to court-ordered mediation; authorizing dependency and "in need of services" mediation; amending s. 49.011, F.S.; providing for service of process by publication for termination of parental rights proceedings; amending ss. 409.145 and 409.167, F.S.; deleting reference to permanent commitment; amending s. 409.165, F.S.; revising provisions relating to alternate care for children; creating s. 409.1671, F.S.; providing foster care program contract options; creating s. 409.1672, F.S.; providing for monetary performance incentives for Department of Health and Rehabilitative Services employees with respect to the child welfare system; requiring case plan conversion by the department; requiring the Department of Health and Rehabilitative Services to provide certain information to the operators of residential placement facilities; requiring the department to make records of interrogations; requiring the department to develop a district organizational plan and to submit the plan to the Legislature; providing effective dates.

By the Committee on Judiciary and Senator Dudley—

CS for SB 1868—A bill to be entitled An act relating to funding for criminal proceedings; amending ss. 27.38, 27.60, F.S.; increasing the percentage of annual appropriated funds that state attorneys and public defenders may transfer between budget categories; providing that a specified percentage of unexpended funds may be carried forward each year for state attorneys and public defenders; providing an effective date.

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

CS for SB 1880—A bill to be entitled An act relating to law enforcement officer certification; amending s. 943.1397, F.S.; changing the waiting period before retaking an examination; providing an effective date.

By the Committee on Professional Regulation and Senator Sullivan—

CS for SB 1914—A bill to be entitled An act relating to chiropractic; amending s. 460.406, F.S.; revising requirements for licensure as a chiropractor by examination; creating s. 460.4061, F.S.; providing for a restricted license as a chiropractic physician; providing licensure requirements and practice restrictions; providing circumstances required for full licensure; providing for reinstatement of certain chiropractor licenses; providing an effective date.

By the Committee on Transportation and Senator Forman—

CS for SB 1922—A bill to be entitled An act relating to license plates; providing for the issuance of license plates to commemorate soil and water conservation; providing fees; providing for the use of such fees; providing for the discontinuance of such license plates; providing an effective date.

By the Committee on Judiciary and Senator Weinstein—

CS for SB 1950—A bill to be entitled An act relating to the judiciary; amending s. 26.021, F.S.; providing a residency requirement for certain circuit judges; amending s. 26.031, F.S., increasing the number of judges in specified judicial circuits; amending s. 34.022, F.S., increasing the number of judges in specified county courts; providing effective dates.

By the Committee on Judiciary and Senator Weinstein—

CS for SB 2004—A bill to be entitled An act relating to court reporters; creating the Court Reporter Certification Study Commission within the Department of Legal Affairs; providing for membership of the commission; abolishing the commission on a specified date; providing for per diem and travel expenses for its members; prescribing its duties; requiring a report; providing an appropriation; amending s. 29.06, F.S.; deleting signature acknowledgement requirement for certification of transcripts of case testimony and proceedings; providing an effective date.

By the Committee on Professional Regulation and Senator Childers—

CS for SB 2042—A bill to be entitled An act relating to real estate brokers, salespersons, and schools; amending s. 475.01, F.S.; defining terms applicable to the regulation of real estate brokers, salespersons, and schools; amending s. 475.011, F.S.; providing an exemption from such regulation relating to the rental, for transient occupancy, of public lodging establishments; amending s. 475.25, F.S.; revising a ground for disciplinary and other action relating to certain required notice and consent with respect to a sale, exchange, purchase, or lease of real property or any interest in real property; reenacting ss. 475.181(2), 475.482(1)(b), and 475.483(1)(a), F.S., relating to licensure and the Real Estate Recovery Fund, to incorporate the amendment to s. 475.25, F.S., in references thereto; amending s. 475.182, F.S.; providing a prohibition related to examinations; amending s. 472.005, F.S.; revising definitions relating to regulation of land surveying to eliminate reference to "land" and to include reference to "mapping"; defining "photogrammetric mapper"; amending s. 472.007, F.S.; increasing membership of the Board of Professional Surveyors and Mappers; amending s. 472.008, F.S.; deleting the requirement for board rules on financial responsibility; amending s. 472.011, F.S.; providing for board rule for delinquency fees rather than late renewal penalty fees; providing application fees for providers of continuing education; amending s. 472.013, F.S.; eliminating a qualifying prerequisite to taking the licensure examination and providing for future repeal of other qualifying prerequisites; amending s. 472.015, F.S.; providing requirements for professional liability insurance; amending ss. 472.001, 472.003, 472.021, 472.023, 472.027, 472.029, 472.031, 472.037, 472.039, F.S., relating to land surveying, to conform; amending s. 472.033, F.S., relating to grounds for disciplinary action related to licensure status; creating s. 472.041, F.S.; providing a savings clause to automatically license specified persons as surveyors and mappers on a specified date; amending ss. 177.031, 177.061, 177.071, 177.091, 177.141, 177.151, 177.36, 177.503, 177.504, 177.507, 177.508, 177.509, 190.033, 287.055, 403.0877, 403.932, 440.02, 471.003, 481.219, 713.01, 713.03, 718.104, 810.12, F.S., to conform terminology; amending s. 28.222, F.S.; providing requirements for the recording of instruments relating to land surveying; providing an effective date.

By the Committee on Executive Business, Ethics and Elections; and Senator Crist—

CS for SB 2044—A bill to be entitled An act relating to governmental communication ethics; creating the Truth in Budgeting Act; providing legislative intent; requiring state agencies to furnish information to the Division of Economic and Demographic Research for use in monitoring estimates made by consensus estimating conferences; requiring public officers and employees to communicate certain information to specified officers and employees; providing penalties; providing an effective date.

By the Committee on Professional Regulation and Senator Foley—

CS for SB 2046—A bill to be entitled An act relating to reflexology; amending s. 480.033, F.S.; providing definitions; creating s. 480.0481, F.S.; providing for qualifications, licensure, and provisional licensure of reflexologists; creating s. 480.0482, F.S.; establishing examination requirements; establishing initial qualifications; providing an effective date.

By the Committee on Transportation—

CS for SB 2056—A bill to be entitled An act relating to DUI programs; amending s. 316.193, F.S.; providing an exemption from licensing; amending s. 322.292, F.S.; providing for the evaluation of DUI programs, DUI treatment services, the license suspension program, and the special supervision program; providing for the creation of a DUI data bank; providing an effective date.

By the Committee on Health Care and Senator Foley—

CS for SB 2070—A bill to be entitled An act relating to human immunodeficiency virus; amending s. 240.2097, F.S.; requiring state universities to create an AIDS awareness program; amending s. 240.3192, F.S.; requiring community colleges to create an AIDS awareness program; amending s. 381.0035, F.S.; recognizing the role of the Agency for Health Care Administration in the regulation of health care facilities; requiring certain AIDS education courses to include information on protocols and procedures; amending s. 381.0039, F.S.; including the Agency for Health Care Administration and Department of Corrections in an interagency AIDS education oversight agreement; requiring establishment of an interagency committee to develop a curriculum for AIDS education programs; amending s. 381.004, F.S.; permitting personnel working with developmentally disabled persons to have access to HIV test results; directing the Department of Health and Rehabilitative Services to develop a protocol for routinely offering HIV testing; amending s. 384.25, F.S.; requiring certain reporting by laboratories and physicians; requiring all physicians to inform HIV positive patients about assistance with partner notification; amending s. 455.2224, F.S.; requiring professional boards to incorporate the recommendations of the State Health Officer with respect to HIV and hepatitis B infection; amending s. 455.2226, F.S.; requiring certain AIDS education courses to include information on protocols and procedures; amending s. 627.429, F.S.; prohibiting insurers from disclosing whether a person has refused testing, been tested, or refused to release test results for HIV; providing exceptions; amending s. 760.50, F.S.; clarifying provisions relating to discrimination on the basis of HIV infection; revising provisions with respect to right of action for violations; authorizing the State Health Officer to establish a clean needle and syringe exchange demonstration project; requiring a report; creating a prostitution study task force; providing membership and duties; requiring a report; requiring certain retail establishments to sell latex condoms; requiring the Department of Health and Rehabilitative Services to promote the availability of condoms in public restrooms; requiring a report; providing an effective date.

By the Committee on Professional Regulation and Senator Dyer—

CS for SB 2076—A bill to be entitled An act relating to regulation of professions; amending s. 20.165, F.S.; renaming the Division of Technology, Testing, and Training of the Department of Business and Professional Regulation as the Division of Technology, Licensure, and Testing; establishing additional boards within the Division of Professions and the Division of Medical Quality Assurance; amending s. 215.37, F.S.; requiring the department to request that professional boards within the department submit their proposed budgets prior to development of the department's legislative budget request; clarifying that the requirements for depositing fees into the Professional Regulation Trust Fund and the payment of service charges with respect thereto apply only with respect to professional regulation by the department and the boards within the department; creating s. 455.2121, F.S.; providing for continued accreditation of programs and institutions under certain circumstances; amending s. 455.217, F.S.; authorizing additional procedures the department may employ to maintain the security of professional examinations; conforming terminology; creating s. 455.2171, F.S.; authorizing the department to use

professional testing services for computerized examinations; amending s. 455.221, F.S.; revising provisions relating to legal and investigative services of the department and the boards; providing that persons under contract with the department to help investigate and resolve complaints and application checks shall be considered agents of the department for certain insurance and immunity protections; amending s. 455.2235, F.S.; requiring each board, or the department when there is no board, to adopt rules designating which violations of the applicable professional practice act are appropriate for mediation; providing a timetable for the boards to act, after which the department shall have exclusive authority to adopt such rules; amending s. 455.227, F.S.; revising and providing grounds for disciplinary action; revising and providing penalties; reenacting ss. 455.232(2), 468.1755(1)(a), 475.25(1)(a), 475.624(1), 476.204(1)(h), 477.029(1)(h), and 489.116(1), F.S., relating to disclosure of confidential information, to discipline of nursing home administrators, real estate brokers, salespersons, schools, and appraisers, barbers, and cosmetologists, and to inactive and delinquent status of construction contractors, to incorporate the amendment to s. 455.227, F.S., in references thereto; amending s. 455.228, F.S.; authorizing the issuance of citations for unlicensed practice of a profession; providing penalties; providing for allocation to the various professions of the fines, fees, and other costs collected as a result of violations related to such unlicensed practice; amending s. 455.2281, F.S.; providing that the department alone is to impose the special fee per license to cover enforcement costs of regulating the professions; amending s. 455.229, F.S.; clarifying provisions applicable to public inspection of information required from applicants; creating s. 455.271, F.S.; providing for inactive and delinquent status; creating s. 455.273, F.S.; providing for renewal and cancellation notices; creating s. 455.275, F.S.; providing for maintenance of current address-of-record information; amending s. 468.385, F.S.; revising a prohibition against licensure as an auctioneer or auctioneer's apprentice; amending s. 468.387, F.S., relating to licensing of nonresidents; eliminating an irrevocable written consent relating to certain service of process; amending s. 468.389, F.S.; authorizing restitution to a consumer as a disciplinary action of the department against auctioneers; amending s. 468.401, F.S.; revising definitions applicable to regulation of talent agencies; amending s. 468.402, F.S.; revising and providing disciplinary grounds and actions applicable to persons violating provisions related to talent agencies; amending s. 468.403, F.S.; revising talent agency licensure requirements; amending s. 468.404, F.S.; deleting provisions relating to rules for a procedure for biennial renewal of talent agency licenses; revising fee terminology; increasing the charge for recording name or location changes; amending s. 468.406, F.S.; requiring an itemized schedule of fees, charges, and commissions along with an application; amending s. 468.407, F.S.; eliminating a fine for failure to display talent agency license; amending s. 468.409, F.S.; revising record-keeping requirements; amending s. 468.410, F.S.; prohibiting agencies from requiring applicants or artists to purchase certain things or attend certain schools or workshops as a condition of registering or obtaining employment for that person; providing penalties; amending s. 468.412, F.S.; providing that a talent agency may not divide fees with any venue that uses entertainment; amending s. 468.413, F.S.; providing applicability of habitual felony offender penalties to certain acts; amending s. 468.452, F.S.; redefining "athlete agent"; amending s. 468.520, F.S.; revising definitions and exemptions applicable to regulation of employee leasing companies; amending s. 468.521, F.S.; increasing membership of the Board of Employee Leasing Companies; amending ss. 468.522, 468.533, and 468.534, F.S.; revising terminology; amending s. 468.523, F.S.; applying other provisions relating to activities of regulatory boards to regulations for employee leasing companies; amending s. 468.524, F.S.; revising license application requirements; creating s. 468.5245, F.S., related to change of ownership; amending s. 468.525, F.S.; revising license requirements; amending s. 468.526, F.S.; revising annual assessment provisions; amending s. 468.527, F.S.; providing an editorial change; creating s. 468.5275, F.S.; providing for registration and exemption of de minimus operations; establishing fees; amending s. 468.528, F.S.; revising provisions related to inactive status of licenses; amending s. 468.529, F.S.; revising various insurance and benefit requirements; amending s. 468.530, F.S.; providing identification requirements for advertisements; amending s. 468.531, F.S.; prohibiting practice as an employee leasing company or company group unless all controlling persons thereof are licensed, for which there are penalties; amending s. 468.532, F.S.; revising and providing disciplinary grounds and actions; creating s. 468.535, F.S.; providing for investigations, audits, and reviews; amending s. 468.602, F.S.; providing exemptions from provisions regulating building code administrators and inspectors; amending s. 468.603, F.S.; revising definitions; amending s. 468.605, F.S.; increasing membership on the Florida Building Code Administrators and Inspectors Board; amending s. 468.609, F.S.; revising

the requirements to take the examination for certification as a building code administrator, plans examiner, or inspector; revising requirements with respect to persons holding such an office on a specified date; authorizing the board to create additional certification categories and providing restrictions on those categories; creating ch. 469, F.S.; providing regulation of asbestos abatement and related work; providing definitions; providing exemptions; requiring licensure and providing licensure requirements, including categories of licensure; providing requirements and responsibilities of business organizations and qualifying agents; providing fees; providing grounds for license revocation or suspension and for denial of licensure or license renewal; providing rulemaking authority to the Department of Business and Professional Regulation; requiring certain course requirements of onsite supervisors, asbestos abatement workers, and asbestos surveyors, management planners, and project monitors; providing for approval of asbestos training courses and providers; providing for seals; repealing ss. 455.301-455.310, F.S., relating to asbestos abatement; amending ss. 255.553 and 553.79, F.S.; correcting cross references; providing an appropriation; amending s. 470.002, F.S.; defining the term "disinterment"; amending s. 470.006, F.S.; providing a fee for provisional licensure as an embalmer; revising embalmer internship provisions; amending s. 470.007, F.S.; revising certain examination requirements for licensure as an embalmer by endorsement; prohibiting registration as a temporary embalmer under certain circumstances; providing a fee for renewal of registration as a temporary embalmer; amending s. 470.008, F.S.; including centralized embalming facilities in the embalmer internship program; revising requirements of the program; amending s. 470.009, F.S.; providing a fee for provisional licensure as a funeral director; revising funeral director internship provisions; amending s. 470.011, F.S.; revising certain examination requirements for licensure as a funeral director by endorsement; prohibiting registration as a temporary funeral director under certain circumstances; providing a fee for renewal of registration as a temporary funeral director; amending s. 470.012, F.S.; revising requirements of the funeral director internship program; amending s. 470.013, F.S.; requiring licensed funeral directors and embalmers to affix to their displayed licenses a recent photograph of themselves; amending s. 470.0165, F.S.; prohibiting direct disposers or funeral directors functioning as direct disposers from selling, conducting, or arranging for burials; amending s. 470.017, F.S.; revising educational requirements for registration as a direct disposer; requiring registered direct disposers to affix to their displayed registrations a recent photograph of themselves; amending s. 470.019, F.S.; revising and providing grounds for disciplinary action against direct disposers and direct disposal establishments; increasing the administrative fine that may be imposed; amending s. 470.0201, F.S.; revising provisions relating to educational requirements relating to communicable diseases for nonlicensed individuals intending to be employed as operational personnel affiliated with a direct disposal establishment, cinerator facility, removal service, refrigeration service, or centralized embalming facility; amending s. 470.021, F.S.; including licensed funeral directors acting as direct disposers in provisions relating to registration of direct disposal establishments; amending s. 470.024, F.S.; providing additional requirements of funeral directors in charge of licensed funeral establishments; amending s. 470.025, F.S.; prohibiting a direct disposer from being in charge of a cinerator facility that is located at the same address as a funeral establishment; amending s. 470.029, F.S.; revising reporting requirements relating to bodies embalmed or otherwise handled or to disinterments; creating s. 470.0295, F.S.; providing requirements relating to disinterment; amending s. 470.0301, F.S.; revising registration and other requirements of removal services, refrigeration facilities, and centralized embalming facilities; amending s. 470.034, F.S.; eliminating a ground for disciplinary action relating to certain disclosures in response to a general telephone inquiry; amending s. 470.036, F.S.; revising certain grounds for disciplinary action to apply to removal services and refrigeration services and others to provide additional requirements with respect to oral permission for certain actions; reenacting s. 497.305(1)(f), F.S., relating to the cremation of human remains by a cemetery company, to incorporate the amendment to s. 470.025, F.S., in a reference thereto; amending s. 471.003, F.S.; revising an exemption from registration as an engineer applicable to certain faculty members; reenacting s. 471.037(2), F.S., relating to the issuance of local building permits, to incorporate the amendment to s. 471.003, F.S., in a reference thereto; amending s. 471.015, F.S.; revising licensure qualifications of engineers; authorizing the requirement of a personal appearance, subject to prior notice; amending s. 472.005, F.S.; revising definitions relating to regulation of land surveying to eliminate reference to "land" and to include reference to "mapping"; defining "photogrammetric mapper"; amending s. 472.007, F.S.; increasing membership of the Board of Professional Surveyors and Mappers; amending s. 472.008, F.S.; deleting the

requirement for board rules on financial responsibility; amending s. 472.011, F.S.; providing for board rule for delinquency fees rather than late renewal penalty fees; providing application fees for providers of continuing education; amending s. 472.013, F.S.; eliminating a qualifying prerequisite to taking the licensure examination and providing for future repeal of other qualifying prerequisites; amending s. 472.015, F.S.; providing requirements for professional liability insurance; amending ss. 472.001, 472.003, 472.021, 472.023, 472.027, 472.029, 472.031, 472.037, 472.039, F.S., relating to land surveying, to conform; amending s. 472.033, F.S., relating to grounds for disciplinary action related to licensure status; creating s. 472.041, F.S.; providing a savings clause to automatically license specified persons as surveyors and mappers on a specified date; amending ss. 177.031, 177.061, 177.071, 177.091, 177.141, 177.151, 177.36, 177.503, 177.504, 177.507, 177.508, 177.509, 190.033, 287.055, 403.0877, 403.932, 440.02, 471.003, 481.219, 713.01, 713.03, 718.104, 810.12, F.S., to conform terminology; amending s. 28.222, F.S.; providing requirements for the recording of instruments relating to land surveying; amending s. 473.302, F.S.; revising and providing definitions with respect to the regulation of public accountancy; amending s. 473.306, F.S.; authorizing the Board of Accountancy to adopt an alternative licensure examination for Canadian chartered accountants; amending s. 473.308, F.S.; extending the waiver of certain educational requirements applicable to certain applicants for licensure as a public accountant; amending s. 474.202, F.S.; providing a definition for limited veterinary medical practice; amending s. 474.2065, F.S.; increasing the initial application and examination fee for veterinarians; eliminating reference to a fee cap for reactivation or renewal of an inactive license; amending s. 474.207, F.S.; revising provisions relating to licensure of veterinarians by examination; amending s. 474.2125, F.S.; revising provisions relating to temporary licenses issued to licensed veterinarians of another state, including shortening the period of validity of such licenses; amending s. 474.213, F.S.; providing additional grounds for discipline; amending s. 474.214, F.S., relating to disciplinary proceedings; providing penalties for practicing veterinary medicine with a delinquent license; correcting terminology; amending s. 474.215, F.S.; prescribing standards for the operation of limited service facilities; requiring a permit and providing for a fee; amending s. 475.01, F.S.; defining terms applicable to the regulation of real estate brokers, salespersons, and schools; amending s. 475.011, F.S.; exempting from regulation as a real estate broker, salesperson, or school certain persons or entities involved in the renting of public lodging establishments for transient occupancy; amending s. 475.15, F.S.; clarifying a provision relating to cancellation of registration of a partnership; amending s. 475.17, F.S.; revising qualifications for practice with respect to other jurisdictions; creating s. 475.180, F.S.; providing reciprocity provisions for nonresident licenses; amending s. 475.181, F.S., relating to licensure, to conform; amending s. 475.25, F.S.; revising grounds for disciplinary and other action relating to criminal convictions and related confinement and to certain required notice relating to a sale, exchange, purchase, or lease of real property or any interest in real property; providing grounds for disciplinary and other action relating to action against a license or registration; creating s. 475.255, F.S.; providing that the mere payment or promise to pay compensation to a licensee does not determine whether an agency or transactional brokerage relationship exists between the licensee and a seller, landlord, buyer, or tenant; amending s. 475.455, F.S.; eliminating a provision relating to certain notice by the Florida Real Estate Commission to licensees regarding discipline by other state agencies; amending ss. 475.482, 475.483, and 475.484, F.S., relating to the Real Estate Recovery Fund; revising conditions for receipt of a distribution from the fund; providing requirements for recovery when bankruptcy is a factor; providing additional conditions that constitute disqualification for a claim; providing for proration of claims under certain conditions; amending s. 475.5017, F.S.; providing for assignment of civil actions; providing for payment of expenses of receiver; amending s. 475.611, F.S.; providing a definition for purposes of service on a probable cause panel; amending s. 475.624, F.S., relating to grounds for discipline or other action against a real estate appraiser; providing clarification; amending s. 477.013, F.S.; providing a definition applicable to regulation of cosmetology; requiring registration; providing for a fee; creating s. 477.0132, F.S.; exempting hair braiding from regulation under certain circumstances; amending s. 480.041, F.S.; increasing the minimum age required to qualify for licensure as a massage therapist; providing licensing procedures for certain out-of-state practitioners; amending s. 480.042, F.S.; eliminating the practical examination for licensure to practice massage; amending s. 481.213, F.S.; requiring certain internship for licensure as an architect; amending s. 481.215, F.S.; providing requirements relating to proof of continuing education applicable to architects; deleting provisions relating to automatic reverter to inactive status for a license to practice architect-

ture or interior design; amending s. 481.329, F.S.; exempting golf course architects from regulation under part II of ch. 481, F.S., relating to landscape architecture; amending s. 484.0445, F.S.; providing for certain certification of sponsors and their designees under the hearing aid specialist training program; amending s. 484.045, F.S.; revising requirements for certain persons seeking licensure as a hearing aid specialist; amending s. 492.107, F.S., relating to seals to be used by licensed geologists; amending s. 457.107, F.S.; deleting provisions relating to automatic reverter to inactive status of a certificate to practice acupuncture; revising continuing education requirements; amending s. 457.108, F.S.; deleting provisions relating to automatic expiration of a certificate to practice acupuncture; providing for a delinquency fee; revising provisions relating to the amounts of certain fees; deleting the inactive status application fee for reactivation of a certificate; amending s. 458.319, F.S.; deleting provisions relating to automatic reverter to inactive status of a license to practice medicine; amending s. 458.321, F.S.; deleting provisions relating to automatic expiration of a license to practice medicine; deleting provisions relating to the fee for reactivating an inactive license to practice medicine; amending s. 458.327, F.S.; providing penalties for practicing medicine with a delinquent license; amending s. 459.008, F.S.; revising requirements for renewal of licenses and certificates to practice osteopathic medicine; deleting provisions relating to automatic reverter to inactive status of a license to practice osteopathic medicine; amending s. 459.009, F.S.; deleting provisions relating to automatic expiration of a license to practice osteopathic medicine; providing for a delinquency fee; revising provisions relating to the amounts of certain fees; deleting the inactive application fee for reactivation of a license; amending s. 489.103, F.S.; clarifying an exemption; repealing s. 460.407(3)-(6), F.S., relating to automatic expiration of a license to practice chiropractic; amending s. 461.007, F.S.; deleting provisions relating to automatic reverter to inactive status of a license to practice podiatry; amending s. 461.008, F.S.; deleting provisions relating to reactivation and to automatic expiration of an inactive license to practice podiatry; providing for a delinquency fee; revising provisions relating to the amounts of certain fees; deleting the inactive application fee for reactivation of a license; amending s. 462.08, F.S.; revising provisions governing the renewal of a license to practice naturopathy; amending s. 462.19, F.S.; deleting provisions relating to automatic reverter to inactive status of a license to practice naturopathy and to reactivation of such license; amending s. 463.007, F.S.; deleting provisions relating to automatic reverter to inactive status of a license to practice optometry; amending s. 463.008, F.S.; deleting provisions relating to reactivation of an inactive license to practice optometry; providing for a delinquency fee; revising provisions relating to the amounts of certain fees; deleting the inactive application fee for reactivation of a license; amending s. 463.016, F.S.; providing penalties for practicing optometry with a delinquent license; repealing s. 464.013(4) and (5), F.S., relating to automatic reverter to inactive status of a license to practice nursing; amending s. 464.014, F.S.; deleting provisions relating to reactivation of an inactive license to practice nursing; providing for a delinquency fee; revising provisions relating to the amounts of certain fees; deleting the inactive application fee for reactivation of a license; amending s. 465.008, F.S.; deleting provisions relating to automatic reverter to inactive status of a license to practice pharmacy; amending s. 465.012, F.S.; deleting provisions relating to reactivation of an inactive license to practice pharmacy; providing for a delinquency fee; revising provisions relating to the amounts of certain fees; repealing s. 466.013(3) and (4), F.S., relating to automatic reverter to inactive status of a license to practice dentistry; amending s. 466.015, F.S.; deleting provisions relating to reactivation of an inactive license to practice dentistry; providing for a delinquency fee; revising provisions relating to the amounts of certain fees; deleting the inactive application fee for reactivation of a license; repealing s. 467.012(4) and (5), F.S., relating to automatic reverter to inactive status of a license to practice midwifery; amending s. 467.013, F.S.; deleting provisions relating to renewal or reactivation of an inactive license to practice midwifery; amending s. 467.0135, F.S.; revising and providing fees relating to the practice of midwifery; providing a limit for those fees; repealing s. 468.1195(4) and (5), F.S., relating to automatic reverter to inactive status of a license as a speech-language pathologist or audiologist; amending s. 468.1205, F.S.; deleting provisions relating to reactivation of an inactive license as a speech-language pathologist or audiologist; amending s. 468.1225, F.S.; revising provisions relating to the fitting and selling of hearing aids, to include reference to the conducting of hearing assessments; amending s. 468.1285, F.S.; providing penalties for practicing speech-language pathology or audiology with a delinquent license; amending s. 468.1295, F.S.; conforming a cross reference; revising and providing grounds for disciplinary action; amending s. 468.1715, F.S.; deleting provisions relating to automatic reverter to inactive status of a

license as a nursing home administrator; amending s. 468.1725, F.S.; deleting provisions relating to reactivation of an inactive license as a nursing home administrator; providing for a delinquency fee; revising provisions relating to the amounts of certain fees; deleting the inactive status application fee for reactivation of a license; amending s. 468.1755, F.S.; providing penalties for practicing nursing home administration with a delinquent license; reenacting ss. 468.1695(3), 468.1735, and 468.1756, F.S., relating to licensure by examination, provisional licensure, and statute of limitations to incorporate the amendment to s. 468.1755, F.S., in references thereto; amending s. 468.219, F.S.; providing for continuing education requirements for renewal of licensure to practice occupational therapy; deleting provisions relating to expiration of a license to practice occupational therapy; amending s. 468.221, F.S.; providing for fees with respect to the practice of occupational therapy; providing penalties for practicing as an occupational therapist with a delinquent license; amending s. 468.361, F.S.; deleting provisions relating to automatic reverter to inactive status of a certificate or registration as a respiratory care practitioner or respiratory therapist; amending s. 468.363, F.S.; deleting provisions relating to automatic reverter to inactive status and to reactivation of an inactive certificate or registration as a respiratory care practitioner or respiratory therapist; amending s. 468.383, F.S.; exempting sales of the contents of self-contained storage units from provisions regulating auctioneers; repealing s. 468.3851(3) and (4), F.S., relating to automatic reverter to inactive status of an auctioneer's license; amending s. 468.3852, F.S.; deleting provisions relating to automatic expiration of an auctioneer's license; repealing s. 468.514(3) and (4), F.S., relating to automatic reverter to inactive status of a dietitian/nutritionist's license; repealing s. 468.515(4) and (5), F.S., relating to automatic expiration of a dietitian/nutritionist's license; amending s. 468.517, F.S.; providing penalties for practicing as a dietitian/nutritionist with a delinquent license; amending s. 468.518, F.S.; providing for disciplinary action against a person practicing as a dietitian/nutritionist with a delinquent license; repealing s. 468.549(3) and (4), F.S., relating to automatic reverter to inactive status of a license as a wastewater treatment operator; repealing s. 468.550(3) and (4), F.S., relating to automatic expiration of a license as a wastewater treatment operator; amending s. 468.551, F.S.; providing penalties for acting as a wastewater treatment operator with a delinquent license; repealing s. 470.015(3) and (4), F.S., relating to automatic reverter to inactive status of a license as a funeral director and embalmer; amending s. 470.016, F.S.; deleting provisions relating to automatic expiration of a license as a funeral director and embalmer; providing for a delinquency fee; revising provisions relating to the amounts of certain fees; deleting the inactive application fee for reactivation of a license; repealing s. 470.018(3) and (4), F.S., relating to automatic reverter to inactive status of a registration as a direct disposer; amending s. 471.011, F.S.; revising fee terminology applicable to licensure as an engineer; repealing s. 471.017(3) and (4), F.S., relating to automatic reverter to inactive status of a license as an engineer; amending s. 471.019, F.S.; deleting provisions relating to reactivation of an inactive license as an engineer; amending s. 471.031, F.S.; providing penalties for practicing engineering with a delinquent license; reenacting s. 471.015(2), F.S., relating to licensure, to incorporate the amendment to s. 471.031, F.S., in a reference thereto; amending s. 471.033, F.S.; providing for disciplinary action against a person practicing engineering with a delinquent license; amending s. 472.017, F.S.; deleting provisions relating to automatic reverter to inactive status of a license to practice surveying and mapping; amending s. 472.019, F.S.; deleting provisions relating to automatic expiration of a license to practice surveying and mapping; repealing s. 473.311(3) and (4), F.S., relating to automatic reverter to inactive status of a license to practice public accountancy; amending s. 473.313, F.S.; deleting provisions relating to automatic expiration of a license to practice public accountancy; amending s. 473.322, F.S.; providing penalties for practicing public accountancy with a delinquent license; reenacting s. 473.308(2), F.S., relating to licensure, to incorporate the amendment to s. 473.322, F.S., in a reference thereto; amending s. 473.323, F.S.; providing for disciplinary proceedings against a person practicing public accountancy with a delinquent license; amending s. 474.211, F.S.; deleting provisions relating to automatic reverter to inactive status of a license to practice veterinary medicine; repealing s. 474.212, F.S., relating to inactive status and renewal and reactivation of an inactive license to practice veterinary medicine; amending s. 476.155, F.S.; deleting provisions relating to automatic expiration of a barber's license; amending s. 477.0212, F.S.; deleting provisions relating to automatic expiration of a cosmetologist's license; amending s. 478.50, F.S.; deleting provisions relating to automatic expiration of a license to practice electrolysis; amending s. 480.0415, F.S.; deleting provisions relating to automatic reverter to inactive status of a license to practice massage; amending s. 480.0425, F.S.;

deleting provisions relating to automatic expiration of a license to practice massage; amending s. 481.207, F.S.; providing for a delinquency fee and deleting a late renewal fee for licensure as an architect or interior designer; providing a limit for the delinquency fee; amending s. 481.217, F.S.; deleting provisions relating to reactivation and to automatic expiration of an inactive license as an architect or interior designer; amending s. 481.223, F.S.; providing penalties for practicing architecture or interior design with a delinquent license; amending s. 481.225, F.S.; providing for disciplinary action for practicing architecture with a delinquent license; reenacting s. 481.213(4), F.S., relating to licensure, to incorporate the amendments to ss. 481.223 and 481.225, F.S., in references thereto; amending s. 481.307, F.S.; providing for a delinquency fee and deleting a late renewal fee for licensure as a landscape architect; providing a limit for the delinquency fee; repealing s. 481.313(3) and (4), F.S., relating to automatic reverter to inactive status of a license to practice landscape architecture; amending s. 481.315, F.S.; deleting provisions relating to automatic expiration of a license as a landscape architect; providing for a delinquency fee; deleting the inactive status application fee for reactivation of a license; amending s. 481.323, F.S.; providing penalties for practicing landscape architecture with a delinquent license; amending s. 481.325, F.S.; providing for disciplinary action against a person practicing landscape architecture with a delinquent license; reenacting s. 481.311(6), F.S., relating to licensure, to incorporate the amendment to s. 481.325, F.S., in a reference thereto; amending s. 483.807, F.S.; revising fee terminology applicable to licensure of clinical laboratory personnel; repealing s. 483.817(3) and (4), F.S., relating to automatic reverter to inactive status of a license as clinical laboratory personnel; amending s. 483.819, F.S.; deleting provisions relating to renewal of an inactive license as clinical laboratory personnel and to automatic suspension of such license; amending s. 484.008, F.S.; deleting provisions relating to automatic reverter to inactive status of a license as an optician; amending s. 484.009, F.S.; deleting provisions relating to automatic expiration of an optician's license; amending s. 484.014, F.S.; conforming a cross reference; providing penalties for practicing opticianry with a delinquent license; amending s. 484.047, F.S.; deleting provisions relating to automatic expiration of a license as a dispenser of hearing aids and to reinstatement of such license; amending s. 484.0501, F.S.; revising provisions relating to the fitting and selling of hearing aids, to include reference to the conducting of hearing assessments; amending s. 484.053, F.S.; providing penalties for dispensing hearing aids with a delinquent license; amending s. 484.056, F.S.; conforming a cross reference; providing for disciplinary action against a person dispensing hearing aids with a delinquent license; amending s. 486.085, F.S.; deleting provisions relating to automatic reverter to inactive status of a license as a physical therapist; providing for a delinquency fee; revising provisions relating to the amounts of certain fees; deleting the inactive application fee for reactivation of a license; amending s. 486.108, F.S.; deleting provisions relating to automatic reverter to inactive status of a license as a physical therapist assistant; providing for a delinquency fee; revising provisions relating to the amounts of certain fees; deleting the inactive application fee for reactivation of a license; amending s. 489.103, F.S.; clarifying an exemption; amending s. 489.105, F.S.; defining "demolish" for purposes of the definition of "contractor"; revising the term "underground utility and excavation contractor"; amending s. 489.107, F.S.; correcting a cross reference; providing for jurisdiction; amending s. 489.109, F.S.; revising fee terminology applicable to certification or registration as a contractor; providing limits to voluntary inactive fees; amending s. 489.116, F.S.; revising provisions relating to inactive and delinquent status; amending s. 489.117, F.S.; clarifying requirements for registration; amending s. 489.127, F.S., relating to prohibitions and penalties applicable to construction contracting; conforming a cross reference; providing applicability with respect to an inactive or suspended certificate or registration; providing that the penalties are not exclusive of other applicable penalties; amending s. 489.131, F.S.; extending the period for filing a challenge to a local jurisdiction enforcement body's recommended penalty to the Construction Industry Licensing Board; amending s. 489.141, F.S.; providing applicability to registrants of provisions relating to claims for recovery from the Construction Industries Recovery Fund; amending s. 489.501, F.S.; revising legislative purpose relating to provisions regulating electrical and alarm system contracting; amending s. 489.503, F.S., relating to exemptions from regulation of electrical and alarm system contracting; revising an exemption relating to telecommunications, television, and radio systems; amending s. 489.505, F.S.; revising and providing definitions; clarifying an exemption; amending s. 489.509, F.S.; revising fee terminology applicable to licensure as an electrical and alarm system contractor; amending s. 489.511, F.S.; revising certification requirements; providing a definition;

489.513, F.S.; revising registration requirements; providing registration requirements for alarm system contractors; amending s. 489.515, F.S.; requiring evidence of obtaining workers' compensation insurance or a specified exemption certificate prior to certification or registration; amending s. 489.516, F.S.; authorizing counties and municipalities to suspend or deny locally issued permits when the contractor involved has failed to obtain the required workers' compensation insurance or exemption certificate and public liability and property damage insurance; amending s. 489.517, F.S.; providing continuing education requirements for renewal of a certificate or registration; amending s. 489.519, F.S.; deleting provisions relating to automatic expiration of a license as an electrical and alarm system contractor; providing for continuing education requirements for certain voluntary inactive certificateholders; creating s. 489.520, F.S.; requiring the department to implement an automated system of licensure status information for electrical and alarm system contracting; amending s. 489.521, F.S.; correcting terminology; amending s. 489.522, F.S.; providing that primary qualifying agents have approval authority for checks, payments, drafts, and contracts of the business organization; amending s. 489.531, F.S.; providing penalties for electrical and alarm system contracting with a delinquent license; extending the period for filing a challenge to a local jurisdiction enforcement body's recommended penalty to the Electrical Contractors' Licensing Board; providing for the issuance of stop-work orders for unlicensed work; amending s. 489.533, F.S.; providing for disciplinary action against a person engaging in electrical or alarm system contracting with a delinquent certificate or registration; including applicants in provisions relating to disciplinary proceedings; reenacting ss. 489.515(2) and (4) and 489.521(9), F.S., relating to issuance of certificates and business organizations, to incorporate the amendments to ss. 489.513, 489.533, and 489.537, F.S., in references thereto; amending s. 489.537, F.S.; providing a time limit for certain registration as an alarm system contractor; revising a requirement for that registration; repealing s. 490.007(3), F.S., and amending s. 490.008, F.S.; deleting provisions relating to automatic reverter to inactive status of a license as a psychologist and reactivation of such license; repealing s. 491.007(3), F.S., and amending s. 491.008, F.S.; deleting provisions relating to automatic reverter to inactive status of a license or certificate as a clinical social worker, marriage and family therapist, or mental health counselor and to reactivation of such license or certificate; amending s. 492.109, F.S.; deleting provisions relating to automatic reverter to inactive status of a geologist's license; amending s. 492.1101, F.S.; deleting provisions relating to automatic expiration of a license as a geologist; amending s. 492.112, F.S.; providing penalties for practicing geology with a delinquent license; amending s. 492.113, F.S., relating to disciplinary proceedings by the Board of Professional Geologists; clarifying provisions; reenacting ss. 492.105(3), 492.108(2), and 492.111(6), F.S., relating to licensure by examination or endorsement and practice of geology by firms, corporations, or partnerships, to incorporate the amendment to s. 492.113, F.S., in a reference thereto; repealing s. 1(5), ch. 86-286, Laws of Florida, relating to regulation of elevators; abrogating an obsolete Sunset repeal of a provision relating to reporting of elevator accidents; amending part I of ch. 481, F.S., relating to architecture and interior design, and creating part III of ch. 481, F.S., relating to interior design, to remove provisions relating to interior design from part I and move or re-create them in part III; revising membership of the Board of Architecture; creating the Board of Interior Design and providing for its membership; providing for staggering of terms; providing exemptions and exceptions; amending s. 20.165, F.S., relating to the Department of Business and Professional Regulation, to conform; placing the Board of Interior Design within the Division of Professions of the department; amending s. 455.218, F.S., relating to foreign-trained professionals; amending s. 455.224, F.S., relating to the authority to issue citations; amending s. 455.225, F.S., relating to disciplinary proceedings; amending s. 455.241, F.S., relating to patient records; amending s. 455.26, F.S.; reconciling certain differences arising from 1992 amendatory laws; providing effective dates.

By the Committee on Health and Rehabilitative Services; and Senators Bankhead, Crenshaw and Crist—

CS for SB's 2152 and 2154—A bill to be entitled An act relating to social and economic assistance; directing the Department of Health and Rehabilitative Services and the Agency for Health Care Administration to develop a report to examine the feasibility of implementing photographic identification cards and a fingerprint-matching identification system with electronic benefits-transfer technology for determination of eligibility for, and dissemination of, certain benefits; requiring a report to be submitted to the Governor and the Legislature; providing an effective date.

By the Committee on Transportation and Senator Hargrett—

CS for SB 2156—A bill to be entitled An act relating to transportation; amending s. 20.23, F.S.; establishing the Florida Turnpike as the eighth district of the Department of Transportation; amending s. 253.034, F.S.; providing for an easement to be granted in perpetuity for certain transportation facilities; amending s. 311.07, F.S.; eliminating the designated program account of the Florida Seaport Transportation and Economic Development Program; authorizing funds to be expended for the acquisition of economic benefit and trade data; amending s. 311.09, F.S.; adding members to the Florida Seaport Transportation and Economic Development Council; eliminating the references to the designated program account of the Florida Seaport Transportation and Economic Development Program; updating a reference to the name of the program; amending s. 316.545, F.S.; providing penalties for operating a commercial motor vehicle without a valid registration; providing penalties for operating a commercial motor vehicle with an excess axle weight or an excess gross vehicle weight; providing procedures for enforcing such penalties; amending s. 316.550, F.S.; providing for a truck crane operated under a special permit to be taxed under s. 320.08(5)(b), F.S.; amending s. 330.30, F.S.; extending the expiration date of licenses for certain private and limited airports; amending s. 332.004, F.S.; revising the definition of "airport or aviation development project"; amending s. 332.006, F.S.; revising the state aviation system plan specifications; amending s. 332.007, F.S.; prohibiting retroactive reimbursement by the Department of Transportation for certain airport land acquisition before the execution of certain documents; amending s. 335.093, F.S., relating to scenic highway designation; providing that such a designation is not intended to limit specified uses of adjacent areas; amending s. 336.025, F.S.; requiring periodic review of any interlocal agreement which provides the method of distribution of motor fuel and special fuel taxes; amending s. 337.015, F.S.; providing flexible start and finish times for construction projects; amending s. 337.11, F.S.; authorizing the secretary to waive competitive bidding provisions to issue limited, interim maintenance contracts; amending s. 337.16, F.S.; requiring the department to notify a contractor that he is disqualified from bidding on other state contracts until he complies with an existing contract; amending s. 337.18, F.S.; revising the provisions that require the department to assess damages each day against a contractor who fails to complete a state or federally funded project within the required time period; amending s. 337.25, F.S.; providing for federally owned properties to be eligible for participation in the functionally equivalent replacement facility program; authorizing the department to sell certain surplus property valued at less than \$10,000 by sealed competitive bid to the highest bidder without an appraisal; deleting the provision for payment of appraisal costs by potential purchasers; permitting the department to negotiate a sale of surplus property with an owner of abutting property if the department provides notice to all owners of abutting property; amending s. 337.276, F.S.; authorizing the issuance of bonds for right-of-way acquisition for revenue-producing facilities; providing for reimbursement of the Right-of-Way Acquisition and Bridge Construction Trust Fund; amending s. 337.407, F.S.; authorizing a county to remove signs from the right-of-way of the county road system; amending s. 338.065, F.S.; deleting a reference to certain types of signs for which the Department of Transportation may charge a placement fee; amending s. 338.155, F.S.; exempting drivers of motor vehicles of the Florida National Guard and exempting sworn law enforcement officers who are driving marked motor vehicles and on official business from paying tolls at toll facilities; authorizing the department to suspend the collection of tolls during emergency evacuations; amending s. 338.223, F.S.; providing that, under certain circumstances, funds allocated to turnpike projects do not have to be reimbursed to the State Transportation Trust Fund; amending s. 338.2275, F.S.; renaming the North Suncoast Corridor Project and describing the project; deleting the maximum expenditures allocated for approved turnpike projects; amending s. 338.234, F.S.; authorizing concessions, services, and public events at turnpike plazas; amending s. 338.235, F.S.; authorizing the department to contract for concessions or services on the turnpike; repealing s. 338.244, F.S., which prohibits certain expenditures to advertise the turnpike system; amending s. 338.251, F.S.; deleting the requirement that local government repayment to the Toll Facilities Revolving Trust Fund include interest; amending s. 339.145, F.S.; deleting a budget appropriation category for the services provided by the Burns Data Center; amending s. 341.052, F.S.; revising a reference to a report to the Urban Mass Transportation Administration; amending s. 343.72, F.S.; redefining the term "commuter rail facilities" for the purposes of the Tampa Bay Commuter Rail Authority Act; amending s. 343.73, F.S.; adding members to the governing board of the

authority; amending s. 343.74, F.S.; expanding the area in which the Tampa Bay Commuter Rail Authority may operate to include Hernando County and Polk County; amending s. 348.7544, F.S.; providing authority for the Orlando-Orange County Expressway Authority to finance, operate, and maintain the Northwest Beltway Part A; creating s. 348.7545, F.S.; authorizing the Orlando-Orange County Expressway Authority to construct, finance, operate, and maintain the Western Beltway Part C; amending s. 479.01, F.S.; providing definitions; amending s. 479.03, F.S.; authorizing the department to cross private property in order to remove illegal signs under specified conditions; amending s. 479.04, F.S.; requiring a person engaged in the business of outdoor advertising to obtain a license and deleting an exception; amending s. 479.07, F.S.; amending deadlines relating to sign permits; requiring the permittee to provide the department with a written notice of cancellation; imposing penalties upon a permittee for reinstating a permit that was cancelled because of the permittee's error; amending s. 479.08, F.S.; providing for the date on which a permit revocation ordered by the Department of Transportation is effective; providing for an appeal and a stay of revocation; amending s. 479.107, F.S.; authorizing the department to immediately remove any unauthorized sign on the rights-of-way of certain state or federal highways; amending s. 479.14, F.S.; amending the disposition of fees received under ch. 479, F.S.; amending s. 479.15, F.S.; prohibiting local governments from removing or altering certain signs without first paying just compensation; amending s. 479.24, F.S.; providing for the department to pay just compensation upon removing certain lawful nonconforming signs; amending s. 479.26, F.S.; limiting the specific information panel program to the interstate highway system; amending s. 479.11, F.S.; providing an exemption authorizing certain signs on new highways; amending s. 7 and s. 8 of ch. 93-164, Laws of Florida; requiring the department to make recommendations to the Florida Transportation Commission; changing a repeal date; providing an effective date.

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

CS for SB 2192—A bill to be entitled An act relating to land acquisition in areas of critical state concern; amending s. 253.023, F.S.; providing legislative intent for purchase of rights or interests using moneys from the Conservation and Recreation Lands Trust Fund, Water Management Lands Trust Fund, and Florida Communities Trust Fund; amending s. 259.045, F.S.; providing for recommendations by land authorities; amending s. 259.101, F.S.; providing funding for the Green Swamp Land Authority under the Florida Preservation 2000 Act; amending s. 373.089, F.S.; providing for sale or exchange of interests or rights in land; creating s. 380.0677, F.S.; creating the Green Swamp Land Authority; providing membership; providing mission and responsibilities; providing budget procedures; requiring the Governor's approval of proposed acquisitions; providing for land protection agreements for landowners within the Green Swamp Area of Critical State Concern; providing for application, selection, compensation, monitoring, and enforcement; providing for appropriations; vesting ownership rights and interests in the Southwest Florida and St. Johns River Water Management Districts; providing for landowner's use of property under an agreement; specifying conditions for termination of an agreement; providing certain protection of property rights; amending s. 380.507, F.S.; conforming a reference; providing an effective date.

By the Committees on Commerce and Health Care and Senator Forman—

CS for CS for SB 2220—A bill to be entitled An act relating to pharmaceuticals; creating a study commission for the purpose of studying the variations in the cost of prescription drugs; providing for membership; providing for organization and administration; requiring meetings and public hearings; providing for expert testimony; requiring a report; providing an effective date.

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

CS for SB 2256—A bill to be entitled An act relating to the regulation of oil and gas resources; amending s. 377.19, F.S.; defining the terms "oil and gas administrator" and "operator"; amending s. 377.2411, F.S.; revising language with respect to the lawful right to drill, develop, and

explore; creating s. 377.247, F.S.; providing for the designation and distribution of earnings owed to owners of mineral rights who are unknown or unlocated; amending s. 376.40, F.S.; providing for the deposit into the Petroleum Exploration and Production Bond Trust Fund of certain funds required to be deposited under provision of law; amending s. 377.22, F.S.; providing for an additional purpose for which rules may be adopted by the Department of Environmental Protection; providing an effective date.

By the Committee on Commerce and Senator Wexler—

CS for SB 2260—A bill to be entitled An act relating to corporate dissolutions; amending s. 607.10025, F.S.; providing that the board of directors may increase the number of authorized shares without shareholder approval; amending s. 607.1430, F.S.; providing an additional circumstance for judicial dissolution of a corporation; amending s. 607.1431, F.S.; providing for award of attorney's fees under certain circumstances; creating ss. 607.1434, 607.1435, and 607.1436, F.S.; providing alternative remedies to judicial dissolution; providing for appointment of a provisional director of a corporation under certain circumstances; providing duties of the provisional director; providing for compensation; providing for an election to purchase instead of dissolution; providing procedures; providing for payment; providing for certain fees and expenses; providing an effective date.

By the Committee on Commerce and Senator Burt—

CS for SB 2264—A bill to be entitled An act relating to motor vehicle service agreement companies; amending s. 634.011, F.S.; revising the definition of the term "motor vehicle" to exclude certain vehicles; providing an effective date.

By the Committee on Commerce and Senators Holzendorf and Bankhead—

CS for SB 2306—A bill to be entitled An act relating to insurance guaranty of payments; creating s. 631.142, F.S.; providing that an action by a receiver is not barred under certain circumstances; amending s. 631.271, F.S.; revising the priority of distribution of claims from an insurer's estate; specifying applicability; amending s. 631.713, F.S.; exempting certain policies and contracts from part III of ch. 631, F.S.; amending s. 631.717, F.S.; providing duties of the association; providing for alternative or reissued policies and specifying obligations thereunder; amending s. 631.718, F.S.; revising procedures for and limits on assessments by the association; specifying applicability; amending s. 631.719, F.S.; providing for premium tax or corporate income tax credits for assessments paid; amending s. 631.821, F.S.; specifying time for appeal of Florida Health Maintenance Organization Consumer Assistance Plan actions; requiring compliance pending exhaustion of appeal; repealing s. 631.719(3), F.S., relating to scheduled repeal of s. 631.719, F.S.; providing an effective date.

By the Committee on Commerce and Senator Forman—

CS for SB 2350—A bill to be entitled An act relating to public records and proceedings; providing for exempting certain proceedings and documents connected to such proceedings from ss. 119.07(1) and 286.011, F.S., and s. 24(a) and (b), Art. I of the State Constitution; providing penalties; providing for future review; providing legislative findings of public necessity; providing an effective date.

By the Committee on International Trade, Economic Development and Tourism; and Senator Jones—

CS for SB 2372—A bill to be entitled An act relating to defense conversion and transition; amending s. 288.03, F.S.; requiring the Division of Economic Development of the Department of Commerce to provide assistance to local governments or certain community base-reuse commissions for certain purposes; creating s. 288.971, F.S.; providing legislative findings; creating s. 288.972, F.S.; providing legislative intent; creating s. 288.973, F.S.; creating the Florida Defense Conversion and Transition Commission; providing for membership; providing for meetings of the

commission; providing for staff support; providing for travel and per diem expenses; providing for future repeal; creating s. 288.974, F.S.; providing for powers and duties of the commission; requiring the commission to develop a state plan of action for certain purposes; requiring an annual report; providing for future repeal; creating s. 288.975, F.S.; providing for military-base-reuse planning; providing definitions; providing for components of the military-base-reuse plan; providing requirements for use and adoption of a military-base-reuse plan; providing for plan time limits; providing for dispute resolution by the Administration Commission; creating s. 288.976, F.S.; providing powers and duties for certain state agencies and departments; creating s. 288.977, F.S.; providing for disposition of military-base property; creating s. 288.980, F.S.; providing for the creation of a grant program to assist communities with military installations that would be adversely affected by base realignment or closure actions; providing definitions; providing eligibility requirements; amending s. 403.953, F.S.; providing for eligibility under the Jobs Siting Act for certain projects located on closed military installations; providing an effective date.

By the Committee on Commerce and Senator Forman—

CS for SB 2380—A bill to be entitled An act relating to money transmitters; creating the "Money Transmitters' Code"; creating part I of chapter 560, F.S., consisting of ss. 560.101, 560.102, 560.103, 560.104, 560.105, 560.106, 560.107, 560.108, 560.109, 560.111, 560.112, 560.113, 560.114, 560.115, 560.116, 560.117, 560.118, 560.119, 560.121, 560.122, 560.123, 560.124, 560.125, 560.126, 560.127, and 560.128, F.S.; providing a short title; providing purpose, scope, and application of the Money Transmitters' Code; providing definitions; exempting certain entities from the provisions of the code; providing powers of the Department of Banking and Finance; authorizing the department to adopt rules; providing for construction; requiring the department to observe certain standards; providing for limited liability when acting upon certain rules, orders, or declaratory statements; providing guidelines for administrative enforcement; providing duties and powers of the department relating to investigations, subpoenas, hearings, and witnesses; prohibiting certain acts and practices; providing penalties; providing procedures for disciplinary actions; requiring disciplinary actions to be public; specifying certain actions as violations of the code; providing for injunctions; providing the grounds upon which the department may undertake disciplinary actions; providing for surrender of registrations; providing immunity to persons who provide information concerning violations of the code; authorizing the department to impose administrative fines under certain circumstances; authorizing the department to conduct examinations of money-transmitters, to recover costs of such examination, to require quarterly reporting, and to impose administrative fines; requiring fees and assessments to be deposited into the Financial Institutions' Regulatory Trust Fund; providing penalties; providing for submission of documents into evidence; providing fees for copies of documents; requiring registration of existing money transmitters; providing procedures for applications; creating the "Florida Control of Money Laundering in Money Transmitters Act"; providing purposes; providing application; requiring money transmitters to file certain reports with the department; requiring the department to maintain such reports for a certain time; providing additional enforcement powers of the department; providing penalties; providing for the reporting of certain financial transactions; providing immunity to persons who provide information concerning violations of the code; prohibiting operation of a money-transmitter business by unauthorized persons; providing penalties; providing for administrative fines; requiring notice of certain specified events; specifying conditions of control of a money transmitter; requiring notice of change in control; authorizing the department to disapprove changes in control under certain circumstances; requiring money transmitters to provide a toll-free telephone number for consumer contacts; creating part II of chapter 560, F.S., consisting of ss. 560.200, 560.202, 560.203, 560.204, 560.205, 560.206, 560.207, 560.208, 560.209, 560.210, 560.211, 560.212, and 560.213, F.S.; providing a short title; providing definitions; exempting vendors of registrants from registration requirements; requiring registration for engaging in specified activities; specifying qualifications of applicants for registration; providing application requirements; authorizing the department to investigate applicants; providing for registration renewal; providing for a renewal fee; providing for the conduct of business at more than one location; providing requirements for net worth, surety bonds, and collateral deposit in lieu of a bond; authorizing the department to waive or reduce such requirements under certain circumstances; specifying certain permissible investments; authorizing the

department to waive certain requirements under certain circumstances; requiring money transmitters to maintain certain records for a certain time; providing for financial liability of registrants under certain circumstances; requiring payment instruments to contain certain information; creating part III of chapter 560, F.S., consisting of ss. 560.301, 560.302, 560.303, 560.304, 560.305, 560.306, 560.307, 560.308, 560.309, and 560.310, F.S.; providing a short title; providing definitions; providing for registrant to engage in certain activities; restricting certain activities; providing exemptions; providing application procedures; providing standards for registration; providing powers of the department; providing for an application fee; providing for terms of registrations; providing for registration renewal and renewal fees; specifying conditions of operation of registrants; authorizing the department to adopt rules; providing limitations on certain fees and charges; requiring registrants to maintain certain records of transactions; providing an appropriation; repealing ss. 560.01, 560.02, 560.03, 560.04, 560.05, 560.06, 560.07, 560.08, 560.09, 560.10, 560.11, 560.12, 560.131, 560.133, 560.135, 560.151, 560.16, 560.17, and 560.201, F.S., relating to sale of money orders; providing severability; providing an effective date.

By the Committee on Commerce and Senator Jennings—

CS for SB 2408—A bill to be entitled An act relating to condominiums; creating s. 73.073, F.S.; providing a special procedure with respect to condominium common elements subject to eminent domain; providing legislative intent; amending s. 718.111, F.S.; authorizing a condominium association to convey a portion of the common elements to a condemning authority for certain purposes; amending s. 718.112, F.S.; providing an additional required provision in condominium bylaws; providing an effective date.

By the Committee on Agriculture and Senator Dantzer—

CS for SB 2420—A bill to be entitled An act relating to nitrates; amending s. 576.011, F.S.; providing a definition of the term "best management practices"; creating s. 576.045, F.S.; providing intent relating to nitrate contamination; providing for fees and deposit thereof; providing for use of funds; providing for waiver of liability; providing for rules; requiring a report; providing for expiration; amending s. 373.309, F.S.; providing for rules relating to procedures for implementing well location and construction, testing, permitting, and clearance requirements; providing an effective date.

By the Committee on Professional Regulation and Senator Dyer—

CS for SB 2440—A bill to be entitled An act relating to regulation of professions; repealing ss. 32 and 33 of ch. 92-33, Laws of Florida, relating to the transfer of certain regulatory functions from the Department of Business and Professional Regulation to the Agency for Health Care Administration; creating s. 455.2185, F.S.; exempting from state licensure requirements out-of-state or foreign professionals who are employed or designated by a sports entity visiting the state for a specific sporting event; providing limits on the practice permitted such professionals; repealing ss. 458.3095 and 459.0051, F.S., relating to exemption from state licensure requirements for physicians licensed in another state who are employed or designated by a sports entity visiting the state for a specific sporting event, to conform; creating s. 455.2142, F.S.; revising continuing education requirements for health care practitioners serving in the Legislature; amending s. 455.2226, F.S.; requiring persons licensed or certified under ch. 491, F.S., relating to clinical, counseling, and psychotherapy services, to complete a continuing education course on human immunodeficiency virus and acquired immune deficiency syndrome as part of biennial relicensure or recertification; amending s. 455.261, F.S.; providing that certain information obtained by impaired practitioner consultants and the Department of Professional Regulation is immune from discovery in civil actions; amending s. 458.307, F.S., relating to the Board of Medicine; eliminating a provision relating to probable cause panels; amending s. 455.206, F.S.; correcting a cross-reference; amending s. 458.311, F.S.; revising licensure requirements for medical physicians to allow certain applicants to complete a fellowship to partially satisfy those requirements; requiring applicants to provide sufficient information and fingerprints; revising a restriction on the number of times an applicant may fail the examination to include remediation after a certain number; eliminating a provision relating to restricted licensure of foreign-trained

physicians, which provision was repealed on October 1, 1993; providing for those foreign-trained physicians to pursue licensure notwithstanding the repeal of that provision; reenacting ss. 458.310(2)(a) and 458.347(7)(b)1.b., F.S., relating to restricted licenses and physician assistants, to incorporate the amendment to s. 458.311, F.S., in references thereto; amending s. 453.313, F.S.; revising requirements for licensure by endorsement; eliminating a provision authorizing oral examinations; providing for additional remedial education or training upon failure to pass the licensing examination after a certain number of attempts; correcting a cross-reference; amending s. 458.3145, F.S., relating to medical faculty certificates; revising renewal requirements; removing provisions relating to extent of practice and maximum number of certificateholders; amending ss. 458.316, 458.3165, 458.317, F.S.; correcting cross-references; amending s. 458.319, F.S.; clarifying requirements for renewal of license; creating s. 458.326, F.S.; authorizing physicians to prescribe or administer controlled substances for the treatment of intractable pain and providing requirements thereof; creating ss. 458.3312 and 459.0152, F.S.; prohibiting physicians and osteopathic physicians from falsely representing that they are board-certified specialists; providing for the adoption of rules; amending ss. 458.331 and 459.015, F.S.; revising and providing grounds for disciplinary action; reenacting ss. 458.311(1)(d) and (5), 458.313(7), and 458.345(1)(b), F.S., relating to licensure by examination, licensure by endorsement, and registration of resident physicians, interns, and fellows, to incorporate the amendment to s. 458.331, F.S., in references thereto; amending s. 458.347, F.S.; revising requirements for certification of physician assistants certified under ch. 459, F.S.; defining the term "continuing medical education"; allowing physician assistants to show by affidavit evidence of compliance with statutory academic requirements; deleting provisions relating to reactivation of an inactive certificate as a physician assistant and to automatic expiration of the certificate; amending s. 459.022, F.S.; revising requirements for certification of physician assistants certified under ch. 458, F.S.; defining the term "continuing medical education"; allowing physician assistants to show by affidavit evidence of compliance with statutory academic requirements; amending s. 766.1115, F.S., to conform; correcting a definition; amending s. 459.007, F.S.; revising requirements for licensure as an osteopathic physician by endorsement; amending s. 459.011, F.S.; providing that it is state policy that physicians licensed under chapter 458 and osteopathic physicians licensed under chapter 459 be accorded equal professional status and privileges and providing requirements with respect thereto; amending s. 460.406, F.S.; revising requirements for licensure as a chiropractor by examination; creating s. 460.4061, F.S.; providing for a restricted license as a chiropractic physician; amending s. 460.408, F.S.; revising provisions relating to approval of continuing education courses for chiropractors; providing for reinstatement of certain chiropractor licenses; creating s. 461.0055, F.S.; providing for investigation of the qualifications of applicants for licensure as a podiatrist; creating s. 461.011, F.S.; prohibiting sexual misconduct in the practice of podiatric medicine, for which there are disciplinary actions; amending s. 461.013, F.S.; revising and providing grounds for disciplinary action; revising penalties, including increasing the administrative fine; reenacting ss. 320.0848(7), 455.236(4)(g), 461.006(2)(c), and 766.111(2), F.S., relating to disabled person parking permits, financial arrangements between referring health care providers and providers of health care services, applicants for licensure to practice podiatric medicine, and unnecessary diagnostic testing, to incorporate the amendments to ss. 461.013 and 466.028, F.S., in references thereto; creating s. 461.018, F.S.; providing for limited scope of practice of podiatric medicine within a specified area of need; creating s. 461.019, F.S.; providing for a podiatric medical faculty certificate; amending s. 463.006, F.S.; revising accreditation provisions relating to licensure as an optometrist; amending s. 464.004, F.S.; increasing the membership of the Board of Nursing; amending s. 464.005, F.S.; requiring the board's executive director to be a registered nurse; amending s. 464.008, F.S.; providing that applicants for licensure as a registered or licensed practical nurse are responsible for the fee required by the Department of Law Enforcement for background checks; amending s. 464.015, F.S.; eliminating the terms "Graduate Nurse" and "Graduate Practical Nurse" and their corresponding abbreviations; correcting cross-references; amending s. 464.022, F.S.; revising, eliminating, and providing exemptions from regulation under ch. 464, F.S., relating to nursing; amending s. 465.003, F.S.; revising the definition of "practice of the profession of pharmacy"; providing the definition of "Kidney Dialysis Home Health Care System"; creating s. 465.0075, F.S.; providing for licensure of certain foreign-trained pharmacists; providing for future repeal of the section; creating s. 465.0105, F.S.; providing for a pharmacy specialist certificate; amending s. 465.0125, F.S.; providing responsibilities of consultant pharmacists and Doctors of Pharmacy; amending s. 465.0156, F.S.; revising information required for registration

of nonresident pharmacies; amending s. 465.0196, F.S.; providing requirements for issuance of special pharmacy permits to operators of kidney dialysis home health care systems; amending s. 465.186, F.S.; increasing the membership of the committee responsible for establishing the formulary of medicinal drug products and dispensing procedures; amending s. 831.30, F.S., relating to the offense of fraudulently obtaining medicinal drugs; revising a cross-reference; amending s. 466.003, F.S.; defining "oral and maxillofacial surgery"; amending s. 466.006, F.S.; adding a qualification for taking the examination for licensure as a dentist; amending s. 466.028, F.S.; providing an additional ground for disciplinary action by the Board of Dentistry; increasing the administrative fine; reenacting s. 466.011, F.S., relating to licensure, to incorporate the amendments to ss. 466.006 and 466.028, F.S., in references thereto; creating s. 466.0282, F.S.; providing requirements for dentists holding themselves out as specialists; amending s. 467.009, F.S.; revising and providing requirements for midwifery educational programs; reenacting s. 467.205(1), (3), and (4), F.S., relating to approval of midwifery programs, to incorporate the amendment to s. 467.009, F.S., in references thereto; amending s. 468.1115, F.S.; providing an exemption from regulation as a speech-language pathologist or audiologist; amending s. 468.1145, F.S.; increasing certain licensure, certification, and inactive status fees; amending s. 468.1155, F.S.; revising provisional licensure requirements; providing that applicants for dual licensure in speech-language pathology and audiology are not required to hold a second master's degree; amending s. 468.1215, F.S.; revising accreditation provisions relating to certification as a speech-language pathology assistant or as an audiology assistant; amending s. 468.1295, F.S.; providing penalties for practicing speech-language pathology or audiology with a delinquent license or failing to notify the board of a change in mailing address within a specified time; amending s. 468.1695, F.S.; reducing the number of times a year the examination for licensure as a nursing home administrator must be given; amending s. 468.209, F.S.; revising licensure requirements for licensure as an occupational therapist or occupational therapist assistant; providing for certain temporary permits; amending s. 468.213, F.S.; revising requirements for licensure by endorsement; amending s. 468.225, F.S.; providing exemptions from regulation of occupational therapy; amending s. 468.509, F.S.; revising accreditation provisions relating to licensure as a dietitian/nutritionist; amending s. 468.511, F.S.; revising procedures for temporary permits for certain dietitian/nutritionist applicants; amending s. 478.42, F.S.; revising the definition of "electrolysis or electrology"; amending s. 478.44, F.S.; revising conditions of appointment for persons to the Electrolysis Council; amending s. 478.45, F.S.; revising requirements for licensure as an electrologist; providing for the approval of an electrology licensure examination; amending ss. 478.46 and 478.47, F.S., relating to temporary permits and licensure by endorsement; correcting cross-references; creating s. 478.475, F.S.; providing for licensure without examination; amending s. 483.041, F.S.; including licensed optometrists within the definition of "licensed practitioner" for purposes of laws regulating clinical laboratories; amending s. 483.803, F.S.; revising the definition of "clinical laboratory personnel"; amending s. 483.813, F.S.; revising requirements for temporary licensure of clinical laboratory personnel; amending s. 483.825, F.S.; revising and providing grounds for disciplinary action; amending s. 483.827, F.S.; revising administrative penalties; creating s. 483.828, F.S.; providing criminal penalties for specified violations; amending ss. 484.002 and 484.003, F.S.; correcting a reference; amending s. 484.007, F.S.; revising requirements for licensure as an optician; requiring the permitting of optical establishments; providing application and fee requirements for such a permit; providing requirements when there is a change in ownership; amending s. 484.013, F.S.; prohibiting the opening or operating of unpermitted optical establishments; providing penalties; amending s. 484.014, F.S.; applying grounds for disciplinary actions and the disciplinary actions themselves to optical establishment permit-holders; amending s. 484.018, F.S.; providing additional exceptions to regulation under part I of chapter 484, F.S., relating to preparing and dispensing of eyeglasses and other optical devices; amending ss. 486.031, 486.041, 486.103, F.S.; eliminating temporary permits for physical therapists and physical therapist assistants and providing for graduate status for each under certain circumstances; providing an alternative licensure examination; revising accreditation provisions relating to licensure as a physical therapist; amending ss. 486.021, 486.081, 486.102, 486.107, F.S.; revising a definition and eliminating provisions relating to temporary permits, to conform; providing an alternative licensure examination; revising accreditation provisions relating to licensure as a physical therapist assistant; creating s. 486.123, F.S.; prohibiting sexual misconduct in the practice of physical therapy, for which there are disciplinary actions; amending s. 486.161, F.S.; providing an exemption for certain persons assisting a licensed physical therapist; amending s. 490.005, F.S., relating

to licensure of psychologists and school psychologists; increasing application fees; revising accreditation and other educational requirements; amending s. 490.006, F.S.; revising psychology licensure by endorsement requirements; amending s. 456.32, F.S.; including other licensed professionals within the definition of "practitioner of the healing arts" for purposes of provisions regulating hypnosis; amending s. 491.005, F.S.; revising fees and costs applicable to applicants for licensure as marriage and family therapists; revising accreditation provisions relating to licensure as a marriage and family therapist or as a mental health counselor; creating s. 491.0055, F.S.; providing for licensure of certain persons as mental health counselors under special conditions involving a district court order; providing for future repeal of the section; amending ss. 468.1245 and 484.051, F.S.; directing purchasers to direct complaints concerning hearing aids to the appropriate agency; requiring the Board of Speech-Language Pathology and Audiology and the Board of Hearing Aid Specialists to adopt rules relating to informing hearing aid purchasers of telecoil, "t" coil, or "v" switch technology; amending s. 400.211, F.S.; revising certification requirements for nursing assistants; authorizing the department to perform, provide, contract for, or grant approval for others to perform or provide nursing assistant certification services and commodities; providing for the registration of athletic trainers who meet specified criteria; providing legislative intent; providing definitions; providing rule-making authority of the Department of Business and Professional Regulation; creating the Athletic Training Regulatory Task Force; providing exemptions; amending s. 466.007, F.S.; revising requirements for examination of dental hygienists; exempting certain foreign-trained physicians from taking the licensure examination to practice medicine in this state and authorizing licensure of such physicians if all other requirements are met; creating s. 455.2222, F.S.; requiring persons licensed or certified to provide certain medical, dental, social, or counseling services to take a course on domestic violence as part of their continuing education requirements; requiring applicants for initial licensure to take such a course; providing duties of the affected professional boards relating to such requirements and granting rulemaking authority therefor; requiring each affected professional board to submit an annual report to the Legislature; amending s. 455.2226, F.S., to correct a cross-reference; amending s. 455.227, F.S.; making failure to comply with such educational course requirements a ground for disciplinary action; providing penalties; providing effective dates.

By the Committee on Transportation and Senator Silver—

CS for SB 2456—A bill to be entitled An act relating to motor vehicle license taxes and fees; providing for suspension of motor vehicle registration for nonpayment of the fee; amending s. 320.072, F.S.; providing for the refund of an additional fee paid on certain motor vehicle registration transactions by certain licensed motor vehicle dealers; providing an effective date.

By the Committee on Professional Regulation and Senators Dyer, Johnson and Diaz-Balart—

CS for SB 2476—A bill to be entitled An act relating to hearing-impaired persons; amending s. 413.275, F.S.; increasing membership of the Florida Council for the Hearing Impaired; amending ss. 468.1135 and 484.044, F.S.; requiring at least one hearing aid user on the Board of Speech-Language Pathology and Audiology; directing that board and the Board of Hearing Aid Specialists to adopt rules to ensure that prospective hearing aid purchasers receive certain information; amending ss. 468.1225 and 484.0501, F.S.; requiring audiologists and hearing aid specialists to provide certain information at the time of an initial examination for a hearing aid; revising procedures relating to client's waiver of use of a certified testing room for audiometric testing; providing for procedures and equipment used in conducting hearing assessments; amending ss. 468.1245 and 484.051, F.S.; correcting references; creating ss. 468.1246 and 484.0512, F.S.; providing a trial period and money-back guarantee for hearing aid purchases; requiring certain notice; providing for rules; providing for costs and a cancellation fee; amending s. 484.042, F.S.; modifying membership of the Board of Hearing Aid Specialists; providing an effective date.

By the Committee on Executive Business, Ethics and Elections; and Senator Crenshaw—

CS for SB 2510—A bill to be entitled An act relating to circumvention of campaign contribution limits; creating s. 106.1445, F.S.; prohibiting the use of constitutional amendment drives to evade campaign contribution limits; providing penalties; providing an effective date.

By the Committee on Education and Senator Johnson—

CS for SB 2512—A bill to be entitled An act relating to education; amending s. 229.592, F.S.; deleting obsolete provisions; extending deadlines for certain exceptions to statutory requirements; deleting provisions requiring certain statutes to be held in abeyance; providing legislative intent; deleting the authority for the waiver of certain statutes; authorizing a special Blueprint 2000 exemption from statutes for school districts and developmental research schools; providing purpose and criteria necessary for approval of exemptions; providing requirements for application; providing for waiver of related rules; requiring an annual report; repealing s. 228.041(16), F.S., which prescribes a minimum number of hours of instruction for a high-school year; repealing s. 228.088, F.S., which requires high schools to develop and implement security programs; repealing s. 229.52, F.S., which requires the State Board of Education to establish an information clearinghouse on economic development; repealing s. 229.57(4) and (5), F.S., which requires a periodic assessment of students and analysis of test results; repealing s. 230.2309, F.S., which provides for a district school site restructuring program; repealing s. 230.2312, F.S., which provides for the Florida Primary Education Program; repealing s. 230.2313, F.S., which provides for student developmental services; repealing s. 230.2314, F.S., which provides for the teachers as advisors program; repealing s. 230.2319(6), (7), (8), (9), F.S., which provides for the progress in middle grades education program; repealing s. 230.232, F.S., which prohibits students from being enrolled in school in violation of school board policy; repealing s. 231.532, F.S., which provides for a district quality incentive grants program; repealing s. 232.08, F.S., which requires district superintendents to issue student age certificates for employment purposes; repealing s. 232.301, F.S., which provides for model dropout prevention programs; repealing s. 233.057, F.S., which provides for reading resource specialists; repealing s. 233.0575, F.S., which provides for math and science mentor teachers; repealing s. 233.0576, F.S., which provides for a math and science pilot program; repealing s. 233.0641, F.S., which requires free enterprise and consumer education programs; repealing s. 233.0643, F.S., which authorizes water safety education programs; repealing s. 233.0645, F.S., which authorizes school boards to provide a voting instruction program; repealing s. 233.067(5), (6), (7), (8), (11), F.S., relating to comprehensive health education and substance abuse prevention; repealing s. 233.0677, F.S., which authorizes school boards to establish educational centers for gifted students; repealing s. 233.501, F.S., which requires Florida to enter into an instructional materials consortium with other states; repealing ss. 233.64, 233.641, 233.642, 233.643, F.S., relating to the K through 12 Mathematics, Science, and Computer Education Quality Improvement Act and the related advisory council; repealing s. 233.65, F.S., which provides for a residential math and science honors high school; repealing s. 236.02(2)(a), (3), F.S., relating to a seven-period day and a required minimum number of hours of instruction for high schools; repealing s. 236.081(10), F.S., which provides for extended school day funding; repealing s. 236.0835, F.S., which provides for school bus replacement funding; repealing s. 236.088, F.S., which provides for compensatory education program funding; repealing s. 236.089, F.S., relating to student development services funding; repealing s. 236.091, F.S., which provides for programs of excellence in math, science, and computer education; repealing s. 236.1223, F.S., which provides for writing skills enhancement programs; repealing s. 236.1224, F.S., relating to the submission of science laboratory facilities plans; repealing s. 236.1227, F.S., relating to quality instruction incentive program categorical funding; providing an effective date.

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

CS for SB 2536—A bill to be entitled An act relating to the protection of children and vulnerable adults from abuse, neglect, and exploitation; amending s. 415.503, F.S.; redefining the term "harm" as used in provisions relating to abused and neglected children; providing for rec-

ommendations with respect to licensing of investigators of child abuse; providing minimum criteria; providing for a report to the Legislature; amending 415.504, F.S.; relating to mandatory reports of child abuse or neglect; eliminating anonymous reports; amending s. 119.07, F.S.; prescribing duties of the Department of Health and Rehabilitative Services in petitioning the court to release certain records relating to allegations of abuse, neglect, abandonment, or exploitation of children and vulnerable adults; providing an effective date.

By the Committee on Professional Regulation and Senators Dyer, Sullivan and Crist—

CS for SB 2540—A bill to be entitled An act relating to regulation of professions; providing for the registration of athletic trainers who meet specified criteria; providing legislative intent; providing definitions; providing rulemaking authority of the Department of Business and Professional Regulation; creating the Athletic Training Regulatory Task Force; providing exemptions; amending s. 486.161, F.S.; providing an exemption for certain persons assisting a licensed physical therapist; providing an effective date.

By the Committee on Health Care and Senator Myers—

CS for SB 2544—A bill to be entitled An act relating to records and meetings exemptions; creating s. 381.0055, F.S.; providing for the confidentiality of patient care quality assurance records obtained, and meetings held, by the Department of Health and Rehabilitative Services, a county public health unit, a Healthy Start Coalition, or a certified rural health network, or by a panel or committee assembled by any of them; providing findings of public necessity; amending s. 383.14, F.S.; providing that confidential status is retained when the department provides case information to any persons it has under contract for therapeutic services; creating s. 381.83, F.S.; providing an exemption from public records requirements for trade secrets obtained by the Department of Health and Rehabilitative Services under chapter 381, F.S.; providing requirements for determination of whether information is a trade secret; authorizing disclosure to certain persons and entities and requiring that such persons and entities maintain confidentiality; amending s. 403.73, F.S.; revising provisions which provide an exemption from public records requirements for trade secrets obtained by the Department of Environmental Protection; authorizing disclosure to certain persons and entities and requiring that such persons and entities maintain confidentiality; providing for retroactive effect; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

By the Committee on International Trade, Economic Development and Tourism; and Senator Grogan—

CS for SB 2570—A bill to be entitled An act relating to the Department of Commerce; amending s. 288.025, F.S.; providing for deposit of certain moneys into the Economic Development Trust Fund for certain purposes; authorizing the Division of International Trade and Development of the Department of Commerce to charge and collect fees for certain services; providing for allocation of such fees; providing for deposit of certain unexpended funds into the Economic Development Trust Fund; amending s. 288.03, F.S.; providing for deposit of certain moneys into the Economic Development Trust Fund for certain purposes; authorizing the Division of Economic Development to charge and collect fees for certain services; providing for allocation of such fees; providing for deposit of certain unexpended funds into the Economic Development Trust Fund; amending s. 288.121, F.S.; authorizing the Division of Tourism to develop certain programs and expend funds generated from such programs for certain purposes; providing for deposit of certain unexpended funds into the Tourism Promotional Trust Fund for certain purposes; requiring that certain moneys are made available to the division for certain purposes; providing an effective date.

By the Committee on Governmental Operations and Senator Childers—

CS for SB 2592—A bill to be entitled An act relating to community service; creating s. 14.29, F.S.; creating the Florida Commission on Community Service; providing legislative intent; creating the commission in

the Executive Office of the Governor; providing for the membership of the commission; providing for terms of members; providing for administrative support; providing for the powers and duties of the commission; providing for an annual report; authorizing the creation of a direct-support organization; directing the Governor to notify the Corporation for National and Community Service of the establishment of the commission; providing an effective date.

By the Committee on Commerce and Senators Childers and Kiser—

CS for SB 2602—A bill to be entitled An act relating to fire prevention and control; amending s. 213.053, F.S.; authorizing the Department of Revenue to respond to certain subpoenas from the State Fire Marshal; amending s. 624.515, F.S., relating to the State Fire Marshal regulatory assessment and surcharge; specifying examples and revising a subsection; amending ss. 633.01, 633.021, 633.025, and 633.161, F.S.; deleting an obsolete cross-reference and clarifying language; amending s. 633.022, F.S.; requiring the Department of Insurance to establish firesafety standards for motion picture and television special effects operations; deleting a requirement for firesafety standards for mental health and alcohol treatment centers; amending s. 633.061, F.S.; revising the requirements for engaging in the business of servicing, inspecting, and installing fire extinguishers and systems; amending s. 633.081, F.S.; requiring supervision by a certified firesafety inspector of certain inspections; requiring the Department of Insurance to adopt certain rules; amending s. 633.085, F.S.; deleting a provision for an annual inspection by the State Fire Marshal of certain state-leased space; amending s. 633.175, F.S.; excluding certain persons employed by or on behalf of an insurance company or the National Insurance Crime Bureau from liability for damages for furnishing certain information concerning fires; amending s. 633.35, F.S.; clarifying certain training requirements for a firefighter certificate; creating s. 633.352, F.S.; providing continuing education requirements for maintaining certification as a firefighter; amending s. 633.382, F.S.; revising the definition of the term "firefighter"; revising the provisions specifying qualifications for supplemental compensation; amending s. 633.44, F.S.; revising the purposes of the Florida State Fire College; revising a reference to "firemen"; repealing s. 633.351(3), F.S., which provides for the maintenance by certain persons of certification as a firefighter; providing an effective date.

By the Committee on Professional Regulation—

CS for SB 2654—A bill to be entitled An act relating to business, professional, and occupational regulation; amending s. 11.62, F.S., relating to legislative review of proposed regulation of unregulated functions; providing that the proponents of legislation that provides for regulation of a profession or occupation not already subject to state regulation must furnish specified information to the state agency that is proposed to have jurisdiction over the regulation; amending s. 20.165, F.S.; revising the organizational structure of the Department of Business and Professional Regulation; amending s. 120.57, F.S.; clarifying that the requirements for formal administrative proceedings for the department and boards within the department apply only with respect to professional regulation; amending s. 215.37, F.S.; clarifying that the requirements for depositing fees into the Professional Regulation Trust Fund and the payment of service charges with respect thereto apply only with respect to professional regulation by the department and the boards within the department; creating s. 455.017, F.S.; providing for applicability of ch. 455, F.S., only to the regulation of professions by the department; amending ss. 20.42, 24.108, 83.49, 110.205, 154.04, 190.009, 192.037, 205.065, 205.194, 210.01, 210.021, 210.151, 210.20, 210.25, 210.31, 210.405, 210.75, 212.08, 213.053, 216.0165, 229.8075, 231.262, 240.4075, 253.025, 255.565, 282.1095, 309.01, 310.002, 310.011, 326.002, 337.162, 370.07, 381.0036, 381.0039, 381.004, 381.0065, 381.0072, 386.203, 394.907, 395.3025, 397.419, 397.451, 399.01, 400.211, 400.414, 400.506, 402.48, 403.0877, 403.708, 403.7197, 409.905, 415.107, 415.51, 440.02, 455.11, 455.201, 455.205, 455.205, 455.208, 455.209, 455.211, 455.217, 455.2175, 455.218, 455.219, 455.221, 455.2224, 455.223, 455.224, 455.225, 455.227, 455.2273, 455.2275, 455.228, 455.2285, 455.229, 455.232, 455.241, 455.243, 455.245, 455.26, 455.303, 455.304, 455.306, 455.307, 455.309, 457.102, 457.103, 458.305, 458.307, 458.3125, 458.320, 458.346, 458.347, 459.003, 459.004, 459.0085, 459.022, 460.403, 460.404, 460.4104, 461.003, 461.004, 462.01, 463.002, 463.003, 464.003, 464.004, 465.003, 465.004, 465.017, 466.003, 466.004, 467.003, 467.004, 468.1125, 468.1135, 468.1315, 468.1655, 468.1665, 468.352, 468.382, 468.384, 468.385, 468.392, 468.401, 468.413, 468.431, 468.453, 468.503,

468.520, 468.521, 468.530, 468.542, 468.603, 468.605, 471.005, 471.007, 472.005, 472.007, 473.302, 473.303, 474.202, 474.204, 475.01, 475.02, 475.045, 475.455, 475.611, 476.034, 476.054, 477.013, 477.015, 478.42, 480.033, 480.035, 481.203, 481.205, 481.303, 481.305, 483.803, 483.805, 484.002, 484.003, 484.041, 484.042, 486.021, 486.023, 487.0437, 489.105, 489.107, 489.113, 489.505, 489.507, 489.516, 490.003, 490.004, 491.003, 491.004, 492.101, 492.102, 492.103, 498.005, 499.028, 499.051, 500.10, 500.12, 509.013, 509.2112, 509.291, 548.003, 550.002, 550.0251, 550.135, 559.79, 559.791, 559.927, 561.02, 561.025, 561.111, 561.17, 561.29, 561.42, 561.68, 561.703, 562.44, 565.02, 569.002, 616.265, 626.989, 627.7842, 627.912, 633.70, 641.55, 713.06, 713.135, 718.111, 718.1255, 718.501, 718.5019, 718.508, 719.104, 719.1255, 719.501, 719.508, 721.05, 721.13, 723.003, 765.110, 766.101, 766.106, 766.1115, 766.308, 766.314, 828.055, 832.06, 849.094, 859.061, 865.09, 877.06, 893.035, F.S.; repealing s. 455.236(3)(c), F.S.; conforming these provisions to the merger of the Department of Professional Regulation and the Department of Business Regulation into a single department by a 1993 law; reconciling certain differences arising from 1992 amendatory laws; deleting obsolete provisions; revising cross-references; requiring a study and report by the department related to specified divisions within the department; providing effective dates.

By the Committee on Commerce and Senator Turner—

CS for SB 2670—A bill to be entitled An act relating to insurance; amending s. 627.409, F.S.; limiting the errors in an insurance application which may bar recovery under the insurance coverage; providing that certain agent errors in completing an application waive the insurer's right to deny coverage; requiring insurers to complete investigations of insureds within a certain time; requiring notice of intent to deny coverage or cancel a policy; providing limitations on a right to recover; providing an effective date.

By the Committee on Health Care and Senators Forman and Myers—

CS for SB 2738—A bill to be entitled An act relating to patient brokering; specifying unlawful acts; providing exemptions; providing criminal and civil penalties; providing for injunctive relief; providing for actions by the Attorney General or state attorneys; providing for recovery of reasonable expenses; providing that the provisions of the act are supplemental; providing an effective date.

By the Committee on Health Care and Senator Wexler—

CS for SB 2782—A bill to be entitled An act relating to human immunodeficiency virus; amending s. 381.004, F.S.; providing that a general medical consent meets informed consent requirements for an HIV test; requiring posttest counseling only for HIV positive test results; providing an exception from informed consent to HIV testing of pregnant women; directing the Department of Health and Rehabilitative Services to develop a protocol for evaluating a patient's HIV infection risk and encouraging routine offering of HIV testing; amending s. 384.25, F.S.; requiring mandatory name reporting of HIV positive patients; requiring certain reporting procedures to assure confidentiality; amending s. 384.31, F.S.; requiring HIV testing of all pregnant patients; providing for objections to certain testing; creating s. 240.75, F.S.; requiring all postsecondary educational institutions to create AIDS awareness programs; amending s. 381.0035, F.S.; requiring employees and clients of domestic violence centers to receive HIV education; requiring certain AIDS education courses to include information on protocols and procedures; amending s. 381.0039, F.S.; including the Department of Corrections and the Agency for Health Care Administration in an interagency AIDS education oversight agreement; requiring establishment of an interagency committee to develop a curriculum for AIDS education programs; amending s. 415.605, F.S.; requiring domestic violence centers to provide HIV counseling and testing; amending s. 455.2224, F.S.; requiring professional boards to incorporate the recommendations of the State Health Officer with respect to HIV and hepatitis B infection; amending s. 455.2226, F.S.; requiring certain AIDS education courses to include information on protocols and procedures; amending s. 455.2416, F.S.; requiring protocols relating to partner notification of HIV infection to require consideration of domestic violence; amending s. 627.429, F.S.; prohibiting insurers from disclosing whether a person has refused testing, been tested, or refused to release test results for HIV; providing exceptions; amending s. 760.50,

F.S.; clarifying provisions relating to discrimination on the basis of HIV infection; revising provisions with respect to right of action for violations; creating a prostitution study task force; providing membership and duties; requiring a report; providing an effective date.

By the Committee on Commerce and Senator McKay—

CS for SB 2900—A bill to be entitled An act relating to insurance; amending s. 624.605, F.S.; providing that credit property insurance not be considered property insurance; amending s. 628.6017, F.S.; providing criteria and procedures for assessable mutual insurers to become stock insurers; providing an effective date.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State SB 36, SB 108 and SB 298, which became law without his signature on March 12, 1994.

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>Office and Appointment</i>	<i>For Term Ending</i>
Florida Board of Auctioneers Appointee: Cretul, Jimmy, Ocala	10/31/96
Florida Building Code Administrators and Inspectors Board Appointee: Gregg, Ada Mijares, Belleair	10/31/96
Capitol Center Planning Commission Appointees: Anstis, James H., West Palm Beach Grabiell, Julio, Coral Gables	09/30/97 09/30/97
Florida Citrus Commission Appointees: Grigsby, Ronald Philip, Lakeland Huff, James Edward, Vero Beach Minton, John L., Vero Beach	05/31/97 05/31/97 05/31/97
Board of Trustees of Valencia Community College Appointee: Lord, John S., Winter Park	05/31/97
Construction Industry Licensing Board Appointee: Malia, Robert Joseph, Cooper City	10/31/96
Board of Cosmetology Appointee: Biggett, Earl S., Ft. Myers	10/31/97
Education Practices Commission Appointees: Ciemiecki, Raymond Stanley, Bradenton Yarbrough, Keith, Rockledge	09/30/94 09/30/94
Education Standards Commission Appointee: Evans, Donna Browder, Jacksonville	09/30/94
Board of Directors, Enterprise Florida, Inc. Appointee: Apthorp, James W., Tampa	07/01/96
Commission on Ethics Appointee: Phelan, Mary Alice, Jacksonville	06/30/95
Florida State Fair Authority Appointee: Turner, Robin L., Rockledge	06/30/96
Board of Funeral and Cemetery Services Appointee: Betsey, Sam Washington, Jr., Quincy	09/08/97
Game and Fresh Water Fish Commission Appointee: Humphrey, Louise Ireland, Miccosukee	01/05/99
Health Care Board Appointee: Stern, Elliot Joseph, Coral Gables	09/30/96
State Board of Independent Colleges and Universities	

<i>Office and Appointment</i>	<i>For Term Ending</i>
Appointee: Durst, Maribeth, Tampa	09/30/96
Investment Advisory Council Appointee: Seneff, James M., Jr., Winter Park	12/12/94
Board of Professional Land Surveyors Appointee: Oliver, Patricia Gail, St. Augustine	10/31/97
Board of Nursing Home Administrators Appointee: Handel, Leo K., Margate	10/31/97
Historic Florida Keys Preservation Board of Trustees Appointees: Olsen, Susan, Key West Toppino, Daniel Paul, Key West	06/30/97 06/30/97
Florida Commission on Tourism Appointee: Sanborn, John Herrick, Bagdad	06/30/97
Manasota Basin Board of the Southwest Florida Water Management District Appointee: Bacon, Eula Teresa, Sarasota	03/01/96

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

RETURNING MESSAGES ON SENATE BILLS

The Honorable Pat Thomas, President

I am directed to inform the Senate that the House of Representatives has passed with amendment CS for CS for SB 68 and CS for SB's 2012, 230, 236, 248, 266, 274, 282, 392, 498, 674, 1306 and 1400 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB 68 and CS for SB's 2012, 230, 236, 248, 266, 274, 282, 392, 498, 674, 1306 and 1400—A bill to be entitled An act relating to juvenile justice; creating the Department of Juvenile Justice; providing for a Secretary of Juvenile Justice; providing for an Assistant Secretary for Prevention and Intervention; providing for an Assistant Secretary for Detention and Corrections; providing responsibilities; specifying service districts of the department within the state and commitment regions; requiring the department's annual budget request to be based on unit cost data; requiring the secretary to establish an automated information system for the purpose of administering juvenile justice programs; requiring that funding for the system be included in the department's legislative budget request; transferring all powers, duties, records, personnel, property, and unexpended balances of appropriations of the Deputy Secretary for Juvenile Justice Programs of the Department of Health and Rehabilitative Services to the Department of Juvenile Justice; providing for administrative rules of the Deputy Secretary for Juvenile Justice Programs of the Department of Health and Rehabilitative Services to remain in effect until changed by the Department of Juvenile Justice; providing for the transfer of pending judicial or administrative proceedings; creating the Juvenile Justice Advisory Board; providing for membership of the board; providing for terms of appointment; assigning the board, for administrative purposes, to the Department of Juvenile Justice; providing powers and duties of the board; transferring all employees, unexpended balances of appropriations, materials, files, records, and equipment of the Commission on Juvenile Justice to the Juvenile Justice Advisory Board; amending s. 20.19, F.S.; deleting references to certain programs of the Department of Health and Rehabilitative Services with respect to juvenile justice and children in need of services and families in need of services to conform to changes made by the act; providing an additional purpose of the Department of Health and Rehabilitative Services with respect to reducing out-of-wedlock births and teenage pregnancies; requiring a report; requiring the Children and Families Program Office of the Department of Health and Rehabilitative Services to provide intervention services for delinquent children and their families; requiring the health and human services boards of the Department of Health and Rehabilitative Services, in planning its programs, to consider data concerning the juvenile justice programs and services within the district; amending s. 39.001, F.S.; revising the purposes and intent of ch. 39, F.S., relating to juvenile proceedings; amending s. 39.002, F.S.; revising state policy with respect to juvenile justice and delinquency prevention; providing that it is the intent of the Legislature to authorize the

detention of a juvenile who has acted in contempt of court; providing that it is the policy of the state to identify and address certain problems with respect to juvenile delinquency; amending s. 39.01, F.S.; revising definitions to conform to changes made by the act; deleting a limitation on the number of children that may be assigned to a nonsecure detention facility; redefining the term "serious or habitual juvenile offender" for purposes of ch. 39, F.S.; providing for preliminary screening to include certain interviews and urine and breathalyzer screenings; defining the term "maximum risk residential" as an additional level of custody under which a juvenile is committed to the custody of the department; defining the terms "secure shelter," "staff-secure shelter," and "temporary release" for purposes of ch. 39, F.S.; amending s. 39.012, F.S.; requiring the Department of Juvenile Justice, as created by this act, to adopt rules; creating s. 39.0206, F.S.; defining the term "department" to be the Department of Juvenile Justice for the purposes of ss. 39.021-39.078, F.S.; amending ss. 39.014, 39.021, F.S.; providing powers and duties of the Department of Juvenile Justice with respect to juvenile justice programs and programs and services for children in need of services and families in need of services; requiring the department to assist the Department of Health and Rehabilitative Services in reducing out-of-wedlock births and teenage pregnancies; requiring the department to measure and report to the Legislature on the effectiveness of programs and services; requiring a report by the Auditor General; repealing s. 39.023, F.S., relating to the Commission on Juvenile Justice; amending s. 39.024, F.S.; providing for the Secretary of Juvenile Justice to appoint members of the Juvenile Justice Standards and Training Council; amending s. 39.025, F.S.; revising the membership of the county juvenile justice councils; providing for the juvenile justice councils within each district to appoint members to a district juvenile justice board; increasing the initial terms of members appointed to the district juvenile justice boards; exempting members of certain district juvenile justice boards from term limitations; prescribing additional duties of the boards; providing for the boards to have access to certain records for purposes of performing its duties; requiring the department to provide matching funds for additional positions for staff to assist the boards; authorizing the boards to propose innovation zones within the districts; providing requirements for implementing such proposals; amending s. 39.0255, F.S.; providing powers and duties of the Department of Juvenile Justice with respect to the juvenile civil citation process; amending s. 39.029, F.S.; deleting an obsolete provision; amending s. 39.034, F.S.; authorizing the community arbitrator or community arbitration panel to require that a child undergo urine monitoring; amending s. 39.038, F.S.; providing for a juvenile who has been taken into custody to be released to a juvenile assessment center; amending s. 39.039, F.S.; requiring that the fingerprints of a juvenile who is charged with or found to have committed certain offenses be submitted to the Department of Law Enforcement; requiring that the name, address, and photograph of a juvenile found to have committed a felony be forwarded to a news organization upon request; amending s. 39.042, F.S.; authorizing the detention of a juvenile upon certain acts of contempt; providing that a juvenile who is charged with committing domestic violence may be held in secure detention; requiring a hearing within a specified period; amending s. 39.043, F.S.; deleting a prohibition on placing a child in need of services into secure detention care; prohibiting the placement of an alleged dependent juvenile into secure detention care; amending s. 39.044, F.S.; deleting a requirement that certain efforts be made to release a juvenile from custody; requiring a juvenile's parent or guardian to pay certain fees for the care, support, and maintenance of the juvenile; providing for a reduction or waiver of such fees; providing circumstances under which the department or the state attorney may seek a court order authorizing the temporary detention of certain juveniles who cannot be placed in an appropriate residential program; repealing s. 39.0445, F.S., relating to juvenile domestic violence offenders; amending ss. 39.045, 39.046, F.S.; providing powers and duties of the Department of Juvenile Justice with respect to juvenile justice programs; providing for certain interagency agreements with respect to the sharing of a juvenile's criminal history record among agencies; revising requirements for retaining a juvenile's records; authorizing the release of a juvenile's photograph if that juvenile has committed certain offenses; amending s. 39.047, F.S.; providing additional requirements for the intake and case management system of the Department of Juvenile Justice; requiring the district administrator of the Department of Health and Rehabilitative Services to cooperate with the case manager in providing intake and case management services; providing circumstances under which the state attorney may file an information against a juvenile between specified years of age who is charged with certain offenses; providing circumstances under which a juvenile must be transferred for prosecution as an adult, regardless of the age of the juvenile; amending s. 39.0475, F.S.; authorizing the

court to order that a juvenile continue in a urine monitoring program following completion of a delinquency pretrial intervention program; providing requirements for entities that provide such programs; amending s. 39.049, F.S.; providing for the parent or guardian of a juvenile to be taken into custody for failing to obey a summons; creating s. 39.0495, F.S.; prohibiting an employer from dismissing or threatening to dismiss an employee who is summoned to appear; amending s. 39.052, F.S.; deleting an obsolete provision; amending s. 39.053, F.S.; authorizing the court to require that a juvenile undergo urine monitoring as part of a community control program; amending s. 39.054, F.S.; providing that commitment of a juvenile to the Department of Juvenile Justice is for the purpose of control of the juvenile which includes urine monitoring; increasing the age until which the department maintains custody of a juvenile who has been adjudicated delinquent and committed to the department; authorizing the court to order that the parent or guardian of a juvenile perform community service with the juvenile; authorizing the court to order the parent or guardian of a juvenile to cosign a note in satisfaction of an order of restitution; deleting the limitation on the liability of a parent for his child's criminal acts; authorizing the court to order the parent or guardian of a juvenile to perform community service if the court finds that the parent or guardian did not make certain efforts to prevent the juvenile from engaging in delinquent acts; specifying the fees to be paid for the care, support, and maintenance of a juvenile; providing for a reduction or waiver of such fees; providing for the deposit of such fees into the Juvenile Justice Facility Construction and Operation Trust Fund; authorizing the department to temporarily release a juvenile committed to the department; providing for the department to revoke a juvenile's temporary release status; amending ss. 39.055, 39.056, F.S.; providing powers and duties of the Department of Juvenile Justice with respect to juvenile justice programs; amending s. 39.057, F.S.; revising criteria under which a juvenile may be placed in a boot camp program; providing program requirements for a boot camp operated by the department, a county, or a municipality; requiring a minimum period of participation in the boot camp program; requiring a minimum period of participation in aftercare; providing training requirements for the staff of a boot camp program; providing certification requirements for instructors of training courses; creating s. 39.0581, F.S.; providing criteria for committing a juvenile to a maximum-risk residential program; creating s. 39.0584, F.S.; requiring the court to commit a juvenile to a graduated series of commitment programs if the juvenile is adjudicated delinquent for multiple felony offenses; amending s. 39.0585, F.S.; conforming provisions to changes made by the act; amending s. 39.059, F.S.; specifying fees to be imposed for the care, support, and maintenance of a juvenile committed to the department; providing for the reduction or waiver of such fees; providing for the deposit of such fees into the Juvenile Justice Facility Construction and Operation Trust Fund; revising criteria for determining suitability for imposing adult sanctions; amending s. 39.062, F.S.; conforming provisions to changes made by the act; creating s. 39.39, F.S.; defining the term "department" to mean the Department of Health and Rehabilitative Services for purposes of ss. 39.40-39.418, F.S.; creating s. 39.419, F.S.; defining the term "department" to mean the Department of Juvenile Justice for purposes of ss. 39.42-39.447, F.S.; amending s. 39.42, F.S.; providing duties and responsibilities of the Department of Juvenile Justice with respect to families in need of services and children in need of services; creating s. 39.449, F.S.; defining the term "department" to mean the Department of Health and Rehabilitative Services for purposes of ss. 39.45-39.456, F.S.; creating s. 39.459, F.S.; defining the term "department" to mean the Department of Health and Rehabilitative Services for purposes of ss. 39.46-39.474, F.S.; amending s. 316.635, F.S.; providing that a minor who fails to appear as ordered by a court having jurisdiction over traffic violations commits contempt; authorizing the court to place a minor in secure detention for such offense; amending s. 316.655, F.S.; providing that a minor may be placed in secure detention for violating certain traffic offenses; requiring that the court order the Department of Highway Safety and Motor Vehicles to revoke, for specified periods, the driver's license of a minor who is convicted of driving under the influence of alcohol or drugs; requiring that a minor be temporarily held in custody following such arrest; creating s. 320.08046, F.S.; imposing a surcharge on the motor vehicle license tax; providing for deposit of the proceeds of the surcharge into the General Revenue Fund and the Florida Motor Vehicle Theft Prevention Trust Fund; amending s. 397.821, F.S.; conforming a cross-reference to changes made by the act; amending s. 860.1545, F.S.; providing for the Secretary of Juvenile Justice to be a member of the interagency task force for community juvenile justice partnership grants; amending s. 860.158, F.S.; revising the distribution of funds in the Florida Motor Vehicle Theft Prevention Trust Fund; amending s. 874.03, F.S.; redefining the term "pattern of youth and street gang activity" to elimi-

nate "the purpose of furthering gang activity" for purposes of ch. 874, F.S., which increases the penalty for a felony or violent misdemeanor that is part of a pattern of youth and street gang activity, which provides a civil cause of action for a violation of the chapter, which provides for forfeiture of profits, proceeds, or instrumentalities of criminal activity of youth and street gangs, and which provides for reporting certain crime information; creating ss. 877.20-877.25, F.S.; providing legislative intent with respect to a curfew imposed on minors in this state; providing definitions; prohibiting a minor from being or remaining in a public place or establishment between certain hours; prohibiting a minor under a specified age who has been suspended or expelled from school from being or remaining in a public place, establishment, or school during certain hours; providing for a written warning and a penalty; requiring the law enforcement agency to attempt to contact the parent of a minor who violates a curfew; providing that the parent of a minor has a legal duty to ensure that the minor does not violate a curfew; providing for a written warning and a penalty; providing circumstances under which the curfew does not apply; providing that the curfew imposed by the act does not apply unless adopted by the governing body of a county or municipality; providing that the curfew imposed by the act may be superseded by a county or municipal ordinance; amending s. 943.045, F.S.; defining the term "criminal justice agency" to include the Department of Juvenile Justice for purposes of ss. 943.045-943.08, F.S., relating to criminal history records; amending s. 943.051, F.S.; requiring that the fingerprints of a minor who is charged with or found to have committed certain offenses be submitted to the Department of Law Enforcement; creating s. 943.0515, F.S.; providing for retaining the criminal history record of a minor for specified periods of time depending on whether the minor is classified as a serious or habitual juvenile offender under ch. 39, F.S.; providing circumstances under which an offender's criminal history record as a minor is merged with the offender's record as an adult; amending s. 943.052, F.S.; providing that the clerks of the court are required to report the dispositions relating to adult offenders only; requiring the Department of Juvenile Justice to submit information to the Division of Criminal Justice Information Systems of the Department of Law Enforcement relating to the receipt or discharge of minors found to have committed certain specified offenses; amending s. 943.053, F.S.; requiring that the division provide a minor's criminal history record to a criminal justice agency for criminal justice purposes; requiring that the division provide a minor's criminal history record to certain governmental agencies for purposes of screening an applicant for employment or licensing; requiring that the division provide a minor's criminal history record to a school principal upon request; amending s. 943.056, F.S.; providing requirements for releasing a copy of a minor's criminal history record to the minor or his parent or legal guardian; amending s. 943.0581, F.S.; providing for the nonjudicial expunction of the arrest record of a minor; amending s. 943.0585, F.S.; providing circumstances under which the court may order the expunction of a minor's criminal history record; providing certain exceptions; requiring the Department of Corrections and each county to develop programs under which judges may order that certain juveniles be allowed to tour the detention facilities of the department or the county; prohibiting a person other than an agent of the Department of Juvenile Justice or the Department of Health and Rehabilitative Services from giving shelter to a minor without the consent of the minor's parent or guardian and without notifying a law enforcement officer, a child-caring agency, or a child-placing agency; providing a penalty; providing that the parent or guardian of a minor has a right of action against a person who unlawfully shelters the minor; requiring the Advisory Council on Intergovernmental Relations to study the impact of the act on local governments; requiring a report; creating the Task Force on Juvenile Sexual Offenders and Victims of Juvenile Sexual Abuse and Crimes; providing for appointments of members; providing responsibilities and report requirements; providing legislative intent with respect to transferring certain provisions from ch. 39, F.S., relating to the Department of Juvenile Justice; providing appropriations; authorizing additional positions for the Department of Law Enforcement; authorizing the Governor to transfer vacant positions from the Department of Health and Rehabilitative Services to the Department of Juvenile Justice; providing for severability; providing an effective date.

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

Section 1. Effective upon this act becoming a law, section 20.195, Florida Statutes, is created to read:

20.195 Legislative findings and intent relating to the organization of juvenile justice programs and services.—

(1) **LEGISLATIVE FINDINGS.**—The Legislature finds: that the structural organization of state government must be an ongoing process involving the legislative and executive branches of government; that the responsibility within the executive branch of government for the implementation of programs and policies should be clearly fixed and ascertainable; that units of government should be organized along functional or program lines; and that when reorganization is found to be necessary it should be implemented in a planned and orderly fashion in order to minimize the cost and the disruption of services to the public.

(2) **DEPARTMENT OF JUVENILE JUSTICE.**—

(a) There is created a Department of Juvenile Justice that shall be responsible for the planning and managing of all programs and services within the juvenile justice continuum of programs and services that are presently the responsibility of the Deputy Secretary for Juvenile Justice Programs of the Department of Health and Rehabilitative Services. All powers, duties, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds of the Deputy Secretary for Juvenile Justice Programs are to be transferred by a type four transfer, as defined in s. 20.06, to the Department of Juvenile Justice effective not later than October 1, 1995. The Youthful Offender Program of the Department of Corrections, as defined in chapter 958, is hereby transferred to the Department of Juvenile Justice. All powers, duties, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds of the Secretary of the Department of Corrections that relate to the Youthful Offender Program or Program Office are to be transferred by a type four transfer, as defined in s. 20.06, to the Department of Juvenile Justice, effective not later than October 1, 1995. The Department of Juvenile Justice shall be headed by a secretary who is appointed by, and serves at the pleasure of, the Governor.

(b) **Interim Secretary.**—There is created the position of Interim Secretary of the Department of Juvenile Justice, who shall be appointed by and serve at the pleasure of the Governor from the effective date of this section until not later than September 30, 1995. The Interim Secretary is, for administrative purposes, attached to the Executive Office of the Governor, which shall provide necessary administrative support. The Interim Secretary of the Department of Juvenile Justice, and such funds as are appropriated to the Department of Juvenile Justice, shall not be subject to the control of the Executive Office of the Governor. The Interim Secretary shall, jointly with the Deputy Secretary for Juvenile Justice Programs, plan and manage the establishment of the Department of Juvenile Justice, including the transfer of all programs, services, and institutions within the juvenile justice continuum from the Department of Health and Rehabilitative Services, and the transfer of youthful offender programs, services, and institutions from the Department of Corrections. The Interim Secretary and the Deputy Secretary for Juvenile Justice Programs shall convene the Department of Juvenile Justice Organization Planning Group as needed and appoint such committees as may be useful in developing a plan and schedule for the implementation of this section. Within the limits of specific appropriations, the Interim Secretary is authorized to employ staff and contract for services necessary to carry out the intent of this section. The Interim Secretary shall submit reports on the progress of implementation of this section not less frequently than every three months to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the minority party leaders in the House and Senate.

(c) It is the intent of the Legislature to prepare for complete management, fiscal, and administrative independence for the Department of Juvenile Justice in the most cost-effective manner by creating regional program and administrative offices, to be known as regional offices, for juvenile justice programs and services. The Deputy Secretary for Juvenile Justice Programs is directed to establish regional offices, to be headed by a regional administrator, that are fully operational not later than October 1, 1995. To that end, the Secretary and all the employees and the Deputy Secretary for Administration of the Department of Health and Rehabilitative Services, and the Executive Office of the Governor, are directed to cooperate with, and support, the Deputy Secretary for Juvenile Justice Programs and the Interim Secretary of the Department of Juvenile Justice in the establishment of, and transition to, regional administrative and program offices for the juvenile justice system.

(d) It is the intent of the Legislature that current services provided to delinquent children and children in need of services by the various existing Department of Health and Rehabilitative Services programs shall continue and not be interrupted by the transition to the Department of Juvenile Justice.

(3) DEPARTMENT OF JUVENILE JUSTICE ORGANIZATION PLANNING GROUP.—

(a) There is created a Department of Juvenile Justice Organization Planning Group for the purpose of advising the Interim Secretary and the Deputy Secretary for Juvenile Justice Programs in developing a plan and schedule for implementation of a Department of Juvenile Justice, the implementation of regional offices, and the transfer of youthful offenders from the Department of Corrections to the Department of Juvenile Justice, to be completed by October 1, 1995.

(b) The membership of the Department of Juvenile Justice Organization Planning Group shall be composed of, but is not limited to:

1. One member appointed by the Deputy Secretary for Administration of the Department of Health and Rehabilitative Services and one member from the Department of Corrections, who shall be the Assistant Secretary for Youthful Offenders.
2. One district juvenile justice manager from each of the five commitment service regions, one member from a district juvenile justice board, and one representative from each of the two largest providers of state-wide contracted juvenile justice continuum services, to be appointed by the Deputy Secretary for Juvenile Justice Programs.
3. The chief of administration and the chief of program planning in the Juvenile Justice Program Office of the Department of Health and Rehabilitative Services.
4. The Executive Director of the Information Resources Commission, or a designee.
5. The Chair of the Commission on Juvenile Justice, or a designee.
6. The Director of the Governor's Office of Planning and Budgeting, or a designee.

For purposes of the Youthful Offender Program transfer plan pursuant to paragraph (4)(b), the Department of Juvenile Justice Organization Planning Group shall have the following members in addition to the members listed above: two juvenile court judges; one state attorney with juvenile court experience; one public defender with juvenile court experience; and one appointee of the Attorney General.

(4) DEPARTMENT OF JUVENILE JUSTICE ORGANIZATION PLANS; SCHEDULES.—The Interim Secretary of the Department of Juvenile Justice shall develop plans and schedules for the implementation of the organization of the Department of Juvenile Justice with regional administrative offices and for the implementation of the transfer of the Youthful Offender Program, including the Assistant Secretary and Youthful Offender Institutions, from the Department of Corrections to the Department of Juvenile Justice.

(a) The regional administration plan should anticipate and be based upon the establishment of an administrative office in each of the five juvenile justice commitment service regions as defined in s. 20.19(7)(b), effective not later than October 1, 1995. The plan shall identify the minimum type and number of staff positions necessary to carry out the responsibilities and functions that are to be assigned to the regional offices, and the specific property, positions, and associated appropriations of funds, if any, that can be transferred from the district administrative services budgets in the 15 service districts to the regional administrative office that will serve each respective district. To the extent that property, staff, and resources identified for transfer from service districts to the regional administrative offices are insufficient to enable the regional administrative offices to fulfill the responsibilities provided in this section, the plan shall include recommendations for additional staff and resources for the regional administrative offices. The plan shall ensure that each regional administrative office shall be capable of providing to each district juvenile justice manager within the region the following administrative and management support services:

1. Finance and accounting.
2. Grants management and disbursement.
3. Personnel administration.
4. Purchasing and procurement.
5. General services, including housekeeping and maintenance of facilities.

6. Assisting the district juvenile justice managers and the regional administrator in the preparation of district and regional budget requests and the administration of approved operating budgets.

7. Other administrative duties as assigned by the Interim Secretary or the Deputy Secretary for Juvenile Justice.

The regional administrative plan and schedule, and any proposed legislation to implement the plan, shall be completed by November 1, 1994.

(b) The Youthful Offender Program transfer plan should anticipate and be based upon legal and statutory requirements and considerations related to the Costello settlement agreement, including overcrowding and medical standards; jurisdictional and sentencing guidelines issues; gain-time and early release mechanisms; personnel standards and training and risk categories; data systems and records; security; classification and transfers; victim restitution; community supervision; transportation; due process and equal protection; sentencing; and other relevant matters. For purposes of the transfer plan, the Department of Juvenile Justice Reorganization Planning Group shall have the following members, in addition to the members listed in subsection (3): two juvenile court judges, one state attorney with juvenile court experience; one public defender with juvenile court experience; and one member appointed by the Attorney General.

(c) The departmental organization plans and schedules should anticipate and be based upon:

1. The transfer to the Department of Juvenile Justice of responsibility for the programs and services within the juvenile justice continuum of programs and services and the transfer of all of the powers, duties, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds of the Deputy Secretary for Juvenile Justice Programs, effective not later than October 1, 1995.

2. The transfer to the Department of Juvenile Justice, in accordance with the Youthful Offender Program transfer plan, of responsibility for the Youthful Offender Program of the Department of Corrections, as defined in chapter 958, including all powers, duties, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds of the secretary of the Department of Corrections that relate to the Youthful Offender Program or Program Office, effective not later than October 1, 1995.

(d) The departmental organization plan should anticipate and develop solutions for all organizational, administrative, personnel, fiscal, legal, statutory, and operational issues that may be identified in planning for the transfer to the Department of Juvenile Justice of all juvenile justice programs, services, and institutions currently under the jurisdiction of the Deputy Secretary for Juvenile Justice Programs of the Department of Health and Rehabilitative Services, and, in accordance with the Youthful Offender Program transfer plan, the programs, services, and institutions currently within the Youthful Offender Program Office and under the jurisdiction of the Assistant Secretary for Programs in the Department of Corrections.

(e) The departmental organization plan and schedule, and any proposed legislation to implement the plan, including legislation recommended by the regional administration and Department of Juvenile Justice organization plan and the Youthful Offender Program transfer plan, and the recommendations, pursuant to subsection (5), of the Deputy Secretary for Juvenile Justice Programs regarding average lengths of stay, detention alternatives, and certain diversion programs; and the Advisory Council on Intergovernmental Relations regarding enhanced costs of administering due process rights and a study of the need for juvenile bail as a result of this act, shall be completed by November 1, 1994.

(5) PLANNING REPORTS.—

(a) The Deputy Secretary for Juvenile Justice shall require all programmatic, residential, and services contracts to include a cooperation clause for purposes of compliance with the quality assurance requirements of the department and the outcome evaluation requirements of the Commission on Juvenile Justice. The deputy secretary shall require contracts for residential commitment programs to include a provision that will ensure the delivery of aftercare and reentry services to youths successfully completing the residential program. The aftercare and reentry services need not necessarily be provided by the immediate contract provider. The deputy secretary shall report to the Department of Juvenile Justice Organization Planning Group any recommendations for standardized contract provisions pursuant to this paragraph.

(b) The deputy secretary shall provide to the Department of Juvenile Justice Organization Planning Group under this section, information sufficient to enable the group to recommend to the Legislature, no later than November 1, 1994:

1. Indicated increases in average lengths of stay in all programs and residential and nonresidential facilities, and the revenue appropriations required to accomplish such indicated increases.

2. An optimal full secure detention alternatives continuum and the revenue appropriations required to accomplish such optimal full secure detention alternatives continuum.

3. The need for enhancement of the civil citation, community arbitration, and J.A.S.P. programs, and the revenue appropriations required to accomplish such enhancements.

(c) The Advisory Council on Intergovernmental Relations shall conduct a study of the impact of this act on local governments. The study shall include, but need not be limited to:

1. Increase in numbers of juveniles held in local detention facilities in sight and sound separation pending trial.

2. Increase in costs of administration of due process rights to juveniles.

3. Increase in costs for jails to house juvenile DUI offenders.

4. The need for and anticipated costs of juvenile bail.

The studies and recommendations pursuant to this subsection shall be provided to the departmental organization planning group and the youthful offender transfer planning group in time for inclusion in the November 1, 1994, organization plan report.

(6) **INNOVATION ZONES.**—Effective October 1, 1995, the Department of Juvenile Justice shall encourage each of the five juvenile justice regions to propose at least one innovation zone within the region for the purpose of implementing an experimental, pilot, or demonstration project that furthers the legislatively established goals of the Department of Juvenile Justice. An innovation zone is a defined geographic area such as a county, municipality, service delivery area, school campus, or neighborhood providing a laboratory for the research, development, and testing of the applicability and efficacy of model programs, policy options, and new technologies for the department.

(a) Each regional administrator is authorized to select, within existing resources and enhanced community partnership grants, and contingent upon local contributing funds and meeting all contractual requirements of the department, up to five model programs and new technologies for implementation within an innovation zone. Such model programs may include, but are not limited to, the following:

1. Forestry alternative work program that provides selected juvenile offenders an opportunity to serve in a forestry work program as an alternative to incarceration, in which offenders assist in wildland firefighting, enhancement of state land management, environmental enhancement, and land restoration.

2. Collaborative public/private dropout prevention partnership that trains personnel from both the public and private sectors of a target community who are identified and brought into the school system as an additional resource for addressing problems which inhibit and retard learning, including abuse, neglect, financial instability, pregnancy, and substance abuse.

3. Support services program that provides economically disadvantaged youth with support services, jobs, training, counseling, mentoring, and prepaid postsecondary tuition scholarships.

4. Juvenile offender job training program that offers an opportunity for juvenile offenders to develop educational and job skills in a 12-month to 18-month nonresidential training program, teaching the offenders skills such as computer-aided design, modular panel construction, and heavy vehicle repair and maintenance which will readily transfer to the private sector, thereby promoting responsibility and productivity.

5. Infant mortality prevention program that is designed to discourage unhealthy behaviors such as smoking and alcohol or drug consumption, reduce the incidence of babies born prematurely or with low birth weight, reduce health care cost by enabling babies to be safely discharged earlier from the hospital, reduce the incidence of child abuse and neglect, and improve parenting and problem-solving skills.

6. Regional crime prevention and intervention program that serves as an umbrella agency to coordinate and replicate existing services to at-risk children, first-time juvenile offenders, youth crime victims, and school dropouts.

7. Alternative education outreach school program that serves delinquent repeat offenders between 14 and 18 years of age who have demonstrated failure in school and who are referred by the juvenile court.

8. Drug treatment and prevention program that provides early identification of children with alcohol or drug problems to facilitate treatment, comprehensive screening and assessment, family involvement, and placement options.

9. Community resource mother or father program that emphasizes parental responsibility for the behavior of children, and requires the availability of counseling services for children at high risk for delinquent behavior.

(b) Pursuant to s. 39.0216, the Commission on Juvenile Justice shall evaluate the impact and effectiveness of the innovation zone programs in meeting the legislatively established goals of the department and prepare an outcome evaluation report.

(c) Each regional administrator shall submit proposals for innovation zone programs to the Deputy Secretary for Juvenile Justice Programs. If the purpose of the proposed innovation zone is to demonstrate that specific statutory goals can be achieved more effectively by using procedures that require modification of existing rules, policies, or procedures, the proposal may request the secretary to waive such existing rules, policies, or procedures or to otherwise authorize use of alternative procedures or practices. Waivers of such existing rules, policies, or procedures must comply with any applicable state or federal law relating to such waivers.

1. For innovation zone proposals that the Department of Juvenile Justice determines require changes to state law, the Department of Juvenile Justice may submit a request for a waiver from such laws, together with any proposed changes to state law, to the chairs of the appropriate legislative committees for consideration.

2. For innovation zone proposals that the Department of Juvenile Justice determines require waiver of federal law, the Department of Juvenile Justice may submit a request for such waivers to the applicable federal agency.

(d) An innovation zone project may not have a duration of more than 2 years unless the Department of Juvenile Justice grants an extension.

(e) Before implementing an innovation zone under this subsection, the Department of Juvenile Justice shall, in conjunction with the Auditor General and the Commission on Juvenile Justice, develop measurable and valid objectives for such zone within a negotiated reasonable period of time. Enhanced community partnership grants shall be utilized for innovation zone projects. Moneys designated for an innovation zone in one region may not be used to fund an innovation zone in another region.

Section 2. Effective October 1, 1995, subsection (4) of section 20.19, Florida Statutes, is repealed.

Section 3. Paragraph (a) of subsection (4) of section 20.315, Florida Statutes, is amended, a new subsection (8) is added to said section, present subsections (8), (13), and (16) of said section are redesignated as subsections (9), (14), and (17), respectively, and amended, and present subsections (9), (10), (11), (12), (14), (15), (17), (18), (19), (20), (21), and (22) of said section are redesignated as subsections (10), (11), (12), (13), (15), (16), (18), (19), (20), (21), (22), and (23), respectively, to read:

20.315 Department of Corrections.—There is created a Department of Corrections.

(4) **SECRETARY OF CORRECTIONS; DEPUTY SECRETARY.**—The head of the Department of Corrections is the Secretary of Corrections. The secretary shall be appointed by the Governor, subject to confirmation by the Senate, and shall serve at the pleasure of the Governor.

(a) The secretary is the chief administrative officer of the department and shall have the authority and responsibility to plan, direct, coordinate, and execute the powers, duties, and responsibilities assigned to the department. The responsibilities of the secretary shall include, but not be limited to:

1. Setting departmental priorities.

2. Appointing the Assistant Secretary for Operations, the Assistant Secretary for Management and Budget, the Assistant Secretary for Programs, the Assistant Secretary for Health Services, the Assistant Secretary for Youthful Offenders, the program directors, and the regional directors.

3. Directing the management, planning, and budgeting processes.
4. Supervising and directing the promulgation of all departmental rules.
5. Supervising and directing the department's legal services.

(8) ASSISTANT SECRETARY FOR YOUTHFUL OFFENDERS.—*The Assistant Secretary for Youthful Offenders is responsible for coordinating and integrating the custody, care, treatment, and rehabilitation of youthful offenders and other duties assigned by the secretary. The Assistant Secretary for Youthful Offenders is responsible for: planning and developing a comprehensive youthful offender program sufficient to meet the needs of youths committed to the department; program research; identifying offender needs and recommending solutions and priorities; developing offender service programs, including the policies and standards for such programs; providing technical assistance to the regional-level program operations; assuring uniform program quality among regions; developing funding sources external to state government; and obtaining, approving, monitoring, and coordinating research and program development grants. The Assistant Secretary for Youthful Offenders does not have line authority over any service program operations of the department, including the management of institutions, residential treatment programs, and the supervision of probationers and parolees.*

(9)(8) PROGRAM OFFICES.—

(a) Program offices shall be designed to operate in a staff capacity to the Assistant Secretary for Programs. Each program office shall be headed by a program office director who is appointed by the secretary and reports directly to the Assistant Secretary for Programs. Program offices shall not have any line authority over regional operations. In no case shall the total professional staff of all of the program offices and the office of the Assistant Secretary for Programs exceed 200 persons. The Assistant Secretary for Programs shall delegate to the program offices the following responsibilities which shall include, but not be limited to:

1. Aiding in the identification of client needs.
2. Developing program policies.
3. Setting, monitoring, and controlling the quality of program standards.
4. Developing state program plans and implementing directives, rules, and procedures for the secretary.
5. Conducting program evaluation.
6. Other duties as assigned by the secretary.

(b) The following program offices are established:

1. Adult Services Program Office.—The responsibilities of this office shall relate directly to the custody, care, treatment, and rehabilitation of adult offenders committed to the Department of Corrections.

~~2. Youth Offender Program Office.—The responsibilities of this office shall relate directly to the development of a comprehensive youthful offender program sufficient to meet the needs of youths committed to the Department of Corrections. This program shall include, but not be limited to, the custody, care, treatment, and rehabilitation of youthful offenders.~~

2.3. Probation and Parole Program Office.—The responsibilities of this office shall relate directly to community supervision, intake, investigation, and initial classification of offenders.

(c) The salary of a program office director shall be set at a level equal to that of a division director.

(14)(13) DEPARTMENTAL BUDGETS.—

(a) The secretary shall develop and submit annually to the Legislature a comprehensive departmental summary budget document which shall array budget requests along program lines. This summary document shall, for the purpose of legislative appropriation, consist of ten eight distinct budget entities:

1. The Office of the Secretary and the Office of Management and Budget.
2. The Assistant Secretary for Programs and all program offices.
3. The Assistant Secretary for Operations and regional administration.
4. The Assistant Secretary for Health Services.
5. *The Assistant Secretary for Youthful Offenders.*
- 6.5. Major Institutions.
- 7.6. Community Facilities and Road Prisons.
- 8.7. Probation and Parole Services.
- 9.8. Correctional Education School Authority.
10. *Youthful Offender Institutions.*

(b) To fulfill this responsibility, the secretary shall have the authority to review, amend, and approve the annual budget requests of all departmental activities. Departmental activities do not include the Correctional Education School Authority. The budget procedure for the authority shall be pursuant to s. 242.68. Recommendations on departmental budget priorities shall be furnished to the secretary by the Assistant Secretary for Operations, the Assistant Secretary for Management and Budget, the Assistant Secretary for Programs, *the Assistant Secretary for Youthful Offenders*, and the Assistant Secretary for Health Services.

(c) It is the responsibility of the Office of Management and Budget to promulgate the necessary budget timetables, formats, and data requirements for all departmental budget requests. This shall be done in accordance with statewide budget requirements of the Executive Office of the Governor.

(d) It is the responsibility of the regional director to develop an annual budget request to be reviewed, amended, and approved by the secretary.

(17)(16) PROGRESS REPORTS.—~~After July 1, 1976,~~ The department shall make an annual report to the Governor and the Legislature reflecting its activities and making recommendations for improvement of the services to be performed by the department. Such report shall be on the basis of a fiscal year. Notwithstanding the provisions of other statutes, such report shall be the only annual report required by law to be submitted by the department. However, the department shall continue to make such other reports as are provided for in this act or specifically requested by the Governor or any officer, member, or committee of the Legislature.

Section 4. Subsection (1) of section 39.001, Florida Statutes, is amended to read:

39.001 Purposes and intent; personnel standards and screening.—

(1) The purposes of this chapter are:

(a) To provide judicial and other procedures *to assure due process* through which children and other interested parties are assured fair hearings and the recognition, protection, and enforcement of their constitutional and other legal rights, while ensuring that public safety interests are adequately protected.

(b) To provide for the care, safety, and protection of children in an environment that fosters healthy social, emotional, intellectual, and physical development; to ensure secure and safe custody; and to promote the health and well-being of all children under the state's care.

(c) ~~To ensure assure due process for each child, balanced with the state's interest in the protection of society, by providing for a comprehensive standardized assessment of the child's needs so that the most appropriate control, discipline, punishment, and treatment can be administered consistent with the seriousness of the act committed, the community's long term need for public safety, the prior record of the child and the specific rehabilitation needs of the child, while also providing whenever possible restitution to the victim of the offense substituting methods of prevention, early intervention, diversion, offender rehabilitation, treatment, community services, and restitution in money or in kind for retributive punishment, whenever possible, and by providing intensive treatment sanctions only when most appropriate, recogniz-~~

ing that sanctions which are consistent with the seriousness of the act committed and focus on treatment should be applied in cases where necessary efforts have been made to divert the child from the juvenile justice system.

(d) ~~To assure to all children brought to the attention of the courts, either as a result of their misconduct or because of neglect or mistreatment by those responsible for their care, the care, guidance, and control, preferably in each child's own home, which will best serve the moral, emotional, mental, and physical welfare of the child and the best interests of the state.~~

(d)(e) To preserve and strengthen the child's family ties whenever possible, removing him from the custody of his parents only when his welfare or the safety and protection of the public cannot be adequately safeguarded without such removal; and, when the child is removed from his own family, to secure for him custody, care, and discipline as nearly as possible equivalent to that which should have been given by his parents; and to assure, in all cases in which a child must be permanently removed from the custody of his parents, that the child be placed in an approved family home, adoptive home, independent living program, or other placement that provides the most stable and permanent living arrangement for the child, as determined by the court and be made a member of the family by adoption.

(e)1.(f) To assure that the adjudication and disposition of a child alleged or found to have committed a violation of Florida law be exercised with appropriate discretion and in keeping with the seriousness of the offense and the need for treatment services, and that all findings made under this chapter be based upon facts presented at a hearing that meets the constitutional standards of fundamental fairness and due process.

2. To assure that the sentencing and placement of a child tried as an adult be appropriate and in keeping with the seriousness of the offense and the child's need for rehabilitative services, and that the proceedings and procedures applicable to such sentencing and placement be applied within the full framework of constitutional standards of fundamental fairness and due process.

Section 5. Subsections (2), (3), (4), (5), and (6) of section 39.002, Florida Statutes, are renumbered as subsections (3), (4), (5), (6), and (7), respectively, and amended, and a new subsection (2) is added to said section, to read:

39.002 Legislative intent for the juvenile justice system.—

(2) PARENTAL, CUSTODIAL, AND GUARDIAN RESPONSIBILITIES.—Parents, custodians, and guardians are deemed by the state to be responsible for providing their children with sufficient support, guidance, and supervision to deter their participation in delinquent acts. The state recognizes that the ability of parents, custodians, and guardians to fulfill those responsibilities can be greatly impaired by economic, social, behavioral, emotional, and related problems. It is therefore the policy of the Legislature that it is the state's responsibility to ensure that factors impeding the ability of caretakers to fulfill their responsibilities be identified through the delinquency intake process and that appropriate recommendations to address those problems be presented to and considered by the court in all disposition proceedings.

(4)(3) JUVENILE JUSTICE AND DELINQUENCY PREVENTION.—It is the policy of the state with respect to juvenile justice and delinquency prevention:

(a) To develop and implement effective methods of preventing and reducing acts of delinquency, with a focus on maintaining and strengthening the family as a whole so that children may remain in their homes or communities.

(b) To develop and implement effective programs to prevent delinquency, to divert children from the traditional juvenile justice system, to intervene at an early stage of delinquency, and to provide critically needed alternatives to institutionalization and deep-end commitment.

(c) To develop and implement effective treatment programs to control, discipline, punish, and rehabilitate delinquent youth

(d)(e) To provide well-trained personnel, high-quality services, and cost-effective programs within the juvenile justice system.

(e)(d) To increase the capacity of local governments and public and private agencies to conduct rehabilitative treatment programs and to provide research, evaluation, and training services in the field of juvenile delinquency prevention.

The Legislature intends that detention care, in addition to providing secure and safe custody, will promote the health and well-being of the children committed thereto and provide an environment that fosters their social, emotional, intellectual, and physical development.

(5)(4) DETENTION.—

(a) The Legislature finds that there is a need for a secure placement for certain children alleged to have committed a delinquent act. The Legislature finds that detention under the provisions of part II should be used only when less restrictive interim placement alternatives prior to adjudication and disposition are not appropriate. The Legislature further finds that decisions to detain should be based in part on a prudent assessment of risk and be limited to situations where there is clear and *convincing* compelling evidence that a child presents a risk of failing to appear or presents a substantial risk of inflicting bodily harm on others as evidenced by recent behavior, *has a history of committing delinquent acts*, presents a history of committing a serious property offense prior to adjudication, disposition, or placement, or requests protection from imminent bodily harm.

(b) The Legislature also finds that certain juveniles have committed a sufficient number of criminal acts, including acts involving violence to persons, to represent sufficient danger to the community to warrant sentencing and placement within the adult system. It is the intent of the Legislature to establish clear criteria in order to identify these juveniles and remove them from the juvenile system.

(6)(5) SERIOUS OR HABITUAL JUVENILE OFFENDERS.—

(a) The Legislature finds that fighting crime effectively requires a multipronged effort focusing on particular classes of delinquent children and the development of particular programs. Florida's juvenile justice system needs an adequate ~~has an inadequate~~ number of beds for serious or habitual juvenile offenders and an adequate ~~inadequate~~ number of community and residential programs for a significant number of children whose delinquent behavior is due to or connected with illicit substance abuse. In addition, a significant number of children have been adjudicated in adult criminal court and placed in Florida's prisons where programs are needed ~~inadequate~~ to meet their rehabilitative needs and ~~where space is needed for adult offenders~~. Recidivism rates for each of these classes of offenders *shall not* exceed those tolerated by the Legislature and by the citizens of this state.

(b) ~~In order to promote effective facility management of a difficult population and to promote rehabilitation that protects the public, children who require secure facilities due to serious or habitual delinquent behavior shall, to the maximum extent practicable, be placed in small, secure, intensive rehabilitation facilities.~~

(7)(6) SITING OF FACILITIES.—

(a)1. The Legislature finds that timely siting and development of needed residential facilities for juvenile offenders is critical to the public safety of the citizens of this state and to the effective rehabilitation of juvenile offenders.

2. The Legislature further finds that timely siting and development of needed correctional facilities for young offenders sentenced and incarcerated within the adult system is critical to the public safety and to the effective rehabilitation of both the juvenile offenders sentenced and incarcerated within the adult system and those adjudicated and placed within the juvenile system.

(b) It is the purpose of the Legislature to guarantee that ~~such~~ facilities for both juvenile offenders sentenced and incarcerated within the adult system and juvenile offenders adjudicated and placed within the juvenile system are sited and developed within reasonable timeframes after they are legislatively authorized and appropriated.

(c) The Legislature further finds that ~~such~~ facilities for both juvenile offenders sentenced and incarcerated within the adult system and juvenile offenders adjudicated and placed within the juvenile system must be located in areas of the state close to the home communities of the children they house in order to ensure the most effective rehabilitation efforts and the most intensive postrelease supervision and case management.

(d) It is the intent of the Legislature that all ~~other~~ departments and agencies of the state shall cooperate fully ~~with the department~~ to accomplish the siting of facilities for both juvenile offenders sentenced and incarcerated within the adult system and juvenile offenders adjudicated and placed within the juvenile system ~~juvenile offenders~~.

The supervision, counseling, rehabilitative treatment, and punitive efforts of the juvenile justice system should avoid the inappropriate use of correctional programs and large institutions. *However, juvenile offenders sentenced and incarcerated within the adult system should receive appropriate youthful offender programs within correctional institutions of adequate size to provide safe and cost-effective incarceration without sacrificing the goals of rehabilitation.* The Legislature finds that ~~detention~~ services to juvenile offenders in custody should exceed the primary goal of providing safe and secure custody, *whether pending juvenile adjudication and disposition or pending sentencing and incarceration within the adult system.*

Section 6. Subsection (15), paragraphs (b) and (c) of subsection (16), subsections (18), (21), (26), (45), (46), (60), paragraph (d) of subsection (61), and subsection (69) of section 39.01, Florida Statutes, are amended, paragraph (e) is added to subsection (68), and subsections (70), (71), (72), (73), and (74) are added to said section, to read:

39.01 Definitions.—When used in this chapter:

(15)(a) “Department,” or ~~means the~~ “Department of Health and Rehabilitative Services,” as used in part II and part IV, means, unless the context clearly requires otherwise, the Department of Juvenile Justice.

(b) On or after October 1, 1995, “Deputy Secretary for Juvenile Justice Programs” means the Secretary of Juvenile Justice.

(16) “Detention care” means the temporary care of a child in secure, nonsecure, or home detention, pending a court adjudication or disposition or execution of a court order. There are three types of detention care, as follows:

(b) “Nonsecure detention” means temporary custody of the child while the child is in a residential home in the community in a physically nonrestrictive environment under the supervision of the department pending adjudication, disposition, or placement. Such a home may not have more than 10 children on nonsecure detention assigned to it at any time. *Nothing in this paragraph prohibits the placement of children, other than those on nonsecure detention care status, in such designated residential home provided the department approves such placements as appropriate.*

(c) “Home detention” means temporary custody of the child while the child is released to the custody of his parent, guardian, or custodian in a physically nonrestrictive environment under the intense supervision of the department staff pending adjudication, disposition, or placement.

(18) “Detention center or facility” means a facility used pending court adjudication or disposition or placement or execution of court order, or for short term punishment pursuant to this chapter, for the temporary care of a child alleged or found to have committed a violation of law. A detention center or facility may provide secure or nonsecure custody. A facility used for the commitment of adjudicated delinquents shall not be considered a detention center or facility.

(21) “Disposition hearing” means a hearing in which the court determines the most appropriate dispositional services in the ~~least restrictive available~~ setting provided for under s. 39.052(3), in delinquency cases. *Disposition hearing also means a hearing in which the court determines the most appropriate dispositional services in the least restrictive available setting provided for under; s. 39.408(3), in dependency cases; s. 39.44(3), in child-in-need-of-services cases; or s. 39.469, in termination of parental rights cases.*

(26) “Intake” means the department’s initial ~~acceptance and screening~~ of a complaint or a law enforcement report or probable cause affidavit of delinquency, family in need of services, or child in need of services to determine the recommendation to be taken in the best interests of the child, the family, and the community. ~~The emphasis of intake is on diversion and the least restrictive available services. Consequently, Intake shall consider includes~~ such alternatives as:

(a) The disposition of the complaint, report, or probable cause affidavit without court or public agency action or judicial handling when appropriate.

(b) The referral of the child to another public or private agency when appropriate.

(c) The recommendation by the intake counselor or case manager of judicial handling when appropriate and warranted.

(45) “Secure detention center or facility” means a physically restrictive facility for the temporary care of children, pending adjudication, disposition, or placement; or for short-term punishment pursuant to this chapter.

(46) “Serious or habitual juvenile offender program” means a *commitment program designed for a child who has been found to have committed a delinquent act or a violation of law, in the case currently before the court, and who meets at least one of the following criteria:*

(a) Was not less than 14 years of age at the time of ~~disposition~~ ~~commission~~ of the current offense and has been adjudicated or had adjudication withheld on the current offense for a capital, life, or first degree felony involving the infliction or threatened infliction of serious physical harm to another person.

(b) Was not less than 14 years of age at the time of ~~disposition~~ ~~commission~~ of the current offense and has been adjudicated or had adjudication withheld on the current offense for a capital, life, first, or second degree felony offense, and the child has previously been *adjudicated or had adjudication withheld on found to have committed* at least three separate capital, life, first, or second degree felony offenses, other than second degree felony offenses under chapter 893, or third degree felony offenses involving the use of a weapon, within the preceding 24 months, and at least one of those adjudications or adjudications withheld resulted in placement in at least a moderate risk residential commitment program 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 ~~disposition~~ ~~commission~~ of the current offense, which may include any felony, and the child has previously been *adjudicated or had adjudication withheld for found to have committed* at least four separate, nonrelated felony offenses within the preceding 36 months, and at least one of those adjudications or adjudications withheld resulted in placement in at least a moderate risk residential commitment program. 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) Was not less than 14 years of age at the time of disposition of the current offense, the current offense is any felony, and had previously been committed to an early delinquency intervention program as defined in s. 39.055.

~~(e)(d)~~—The child Was less than 18 years of age at the time of ~~commission~~ 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.

(60) “Preliminary screening” means the gathering of preliminary information to be used in determining a child’s need for further evaluation or assessment or for referral for other substance abuse services through such means as *psycho-social interviews, urine and breathalyzer screenings, and reviews of available educational, delinquency, and dependency records.*

(61) “Restrictiveness level” means the level of custody provided by programs that service the custody and care needs of committed children. There shall be ~~five~~ *four* restrictiveness levels:

(a) Minimum risk nonresidential.—Youth assessed and classified for placement in programs at this restrictiveness level represent a minimum risk to themselves and public safety and do not require placement and services in residential settings. Programs or program models in this restrictiveness level include: Community counselor supervision programs, special intensive group programs, nonresidential marine programs, nonresidential training and rehabilitation centers, and other local community nonresidential programs.

(b) Low risk residential.—Youth assessed and classified for placement in programs at this level represent a low risk to themselves and

public safety and do require placement and services in residential settings. Programs or program models in this restrictiveness level include: Short Term Offender Programs (STOP), group treatment homes, family group homes, proctor homes, and Short Term Environmental Programs (STEP).

(c) Moderate risk residential.—Youth assessed and classified for placement in programs in this restrictiveness level represent a moderate risk to public safety. Programs are designed for children who require close supervision but do not need placement in facilities that are staff or physically secure. Programs in the moderate risk residential restrictiveness level provide 24-hour awake supervision, custody, care, and treatment. Programs or program models in this restrictiveness level include: Halfway houses, START Centers, the Dade Intensive Control Program, licensed substance abuse residential programs, and moderate-term wilderness programs designed for committed delinquent youth that are operated or contracted by the department. Section 39.061 applies to children in moderate risk residential programs.

(d) High risk residential.—Youth assessed and classified for this level of placement require close supervision in a structured residential setting that provides 24-hour-per-day secure custody, care, and supervision. Placement in programs in this level is prompted by a concern for public safety that outweighs placement in programs at lower restrictiveness levels. Programs or program models in this level are staff or physically secure residential commitment facilities and include: Training schools, serious habitual offender programs, intensive halfway houses, residential sex offender programs, long-term wilderness programs designed exclusively for committed delinquent youth, boot camps, secure halfway house programs, and the Broward Control Treatment Center. Section 39.061 applies to children placed in programs in this restrictiveness level.

(e) Maximum risk residential.—Children assessed and classified for this level of placement require close supervision in a maximum security residential setting that provides 24-hour-per-day secure custody, care, and supervision. Placement in programs in this level is prompted by a demonstrated need to protect public safety, based upon the child's prior record of violent acts or escape, that outweighs placement in programs at lower restrictiveness levels. Programs or program models in this level are maximum security custody residential commitment facilities and include: serious habitual offender programs and other maximum security program models authorized by the Legislature and established by rule.

(69) "Child eligible for an intensive residential treatment program for 10-13 year old offenders" means a child ~~who has not been found to be severely or emotionally disturbed by an official access diagnosis and~~ who has been found to have committed a delinquent act or a violation of law in the case currently before the court, and who meets at least one of the following criteria:

(a) Is no less than 10 years of age and no greater than 13 years of age and the current offense is a capital or life felony.

(b) Is no less than 10 years of age and no greater than 13 years of age and the current offense is a first or second degree felony offense, involving the infliction of serious physical harm to another person and has previously been found to have committed at least one capital, life, first, or second degree felony offense.

(c) Is no less than 10 years of age and no greater than 13 years of age and the current offense is any felony, and the child has previously been found to have committed at least three separate, nonrelated, felony offenses resulting in at least one residential commitment.

(d) The child was less than 14 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.

(70) "Secure shelter" means a facility in which a child is physically restricted and which is for the temporary care and assessment of a child who has been found to be dependent or a child in need of services, or a child from a family in need of services, who has violated a court order or whom the Department of Juvenile Justice or the Department of Health and Rehabilitative Services is unable to properly assess or place for assistance within the continuum of services provided for dependent children or children in need of services or families in need of services.

(71) "Staff-secure shelter" means a facility in which a child is supervised 24 hours a day by staff members who are awake while on duty,

with at least one staff member for each three children. The facility is for the temporary care and assessment of a child who has been found to be dependent or a child in need of services, who has been found to be in direct contempt of court or who has violated a court order, or whom the Department of Juvenile Justice or the Department of Health and Rehabilitative Services is unable to properly assess or place for assistance within the continuum of services provided for dependent children or children in need of services.

(72) "Temporary release" means the terms and conditions under which a child is temporarily released from a commitment facility or allowed home visits. If the temporary release is from a level VI, VIII, or X facility, the terms and conditions of the temporary release must be approved by the child, the court, and the facility. The term includes periods during which the child is supervised pursuant to a reentry program or an aftercare program or a period during which the child is supervised by a case manager or other nonresidential staff of the department or staff employed by an entity under contract with the department. A child placed in a postcommitment community control program by order of the court is not considered to be on temporary release and is not subject to the terms and conditions of temporary release.

(73) "Juvenile" means a "child."

(74) "Youth" means a "child."

Section 7. (1) The Division of Statutory Revision, in compiling manuscript for the next edition of the Florida Statutes, shall alphabetize the definitions in section 39.01, Florida Statutes, and shall conform all statutory cross references to such realphabetization.

(2) The Division of Statutory Revision, in compiling statute text for the next official edition of the Florida Statutes, shall conform the statute text to the amendment to section 39.01(15), Florida Statutes, contained in this act.

Section 8. For the purpose of incorporating the amendment to s. 39.01, Florida Statutes, in references thereto, the sections or subdivisions of Florida Statutes set forth below are 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, on its own or upon request by the state or the department, 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 9. Section 39.0145, Florida Statutes, is created to read:

39.0145 Punishment for contempt of court; contempt secure facility alternatives continuum.—

(1) CONTEMPT OF COURT; PUNISHMENT OF JUVENILES; FACILITIES.—The court may punish any juvenile for contempt for interfering with the court or with court administration, or for violating any provision of this chapter or order of the court relative thereto. It is the intent of the Legislature that the court restrict and limit the use of contempt powers as applied to juveniles with respect to secure facility sentences. A juvenile who commits direct contempt of court or indirect contempt of a valid court order may be taken into custody and placed in an alternative sanction or a secure facility, as authorized in this section, by order of the court.

(2) CONTEMPT OF COURT SECURE FACILITY PLACEMENT SENTENCES.—Secure facility placement sentences for purposes of punishment for contempt of court may be imposed when alternative sanctions are unavailable or inappropriate, or when the juvenile has already been sentenced to an alternative sanction but failed to comply with the sentence. Secure facility placements for contempt of court sentences are as follows:

(a) If the juvenile is held in indirect contempt of a valid court order pursuant to subsection (4), or is held in direct contempt of court, and has been charged with a delinquent act or violation of law, placement in secure detention or in a secure residential facility.

(b) If the juvenile has never been adjudicated or had adjudication withheld but has been charged with a delinquent act or a violation of law, placement in home detention with daily face-to-face detention center staff contact and electronic monitoring, or placement in an appropriate mental health or substance abuse facility for assessment while serving the contempt sentence.

(c) If the juvenile is held in direct contempt of court and is a child in need of services, placement in a staff secure shelter or in a staff secure residential facility solely for children in need of services if such placement is available, or, if such placement is not available, placement in an appropriate mental health or substance abuse facility for assessment while serving the contempt sentence. If the juvenile is held in indirect contempt of a valid court order and is a child in need of services, placement in secure detention, or in a secure residential facility, or in nonsecure detention care.

(d) If the juvenile is held in indirect contempt of a valid court order pursuant to subsection (4) and is a dependent child, placement in a staff secure dependency shelter solely for dependent children if such placement is available, or, if such placement is not available, placement in an appropriate mental health or substance abuse facility for assessment while serving the contempt sentence.

(3) CONTEMPT OF COURT ALTERNATIVE SENTENCES CONTINUUM.—Each judicial circuit shall have an alternative sanctions coordinator who shall serve under the chief administrative judge of the juvenile division of the circuit court, and who shall coordinate and maintain a spectrum of contempt sanction alternatives in conjunction with the circuit plan implemented in accordance with s. 790.22(4)(c). Upon determining that a juvenile has committed direct contempt of court or indirect contempt of a valid court order, the court may immediately request the alternative sanctions coordinator to recommend the most appropriate available alternative sanction and shall sentence the juvenile to up to 50 community service hours of manual labor in the recommended or a similar alternative sanction, unless an alternative sanction is unavailable or there is no appropriate alternative sanction or the juvenile has failed to comply with a prior alternative sanction. Contempt sanction alternatives may include local industry involving manual labor, or any nonprofit or not-for-profit organization, or any public or private business or service entity, that has entered into a contract with the Department of Juvenile Justice to act as an agent of the state to provide voluntary supervision of juveniles on behalf of the state in exchange for the manual labor of juveniles and limited immunity in accordance with s. 768.28(10).

(4) CONTEMPT OF COURT SENTENCING PROCEDURE AND DUE PROCESS.—

(a) If the charge is direct contempt of court, the court may impose an authorized sanction immediately. If the charge is indirect contempt of court, the court must hold a hearing within 24 hours after the contempt charge to determine whether the juvenile committed indirect contempt of a valid court order. At the hearing, the following due process rights must be provided to the juvenile:

1. Right to a copy of the petition requesting the contempt sentence.
2. Right to an explanation of the nature and the consequences of the proceedings.
3. Right to legal counsel and the right to have legal counsel appointed by the court if the juvenile is indigent, pursuant to s. 39.041.
4. Right to confront witnesses.
5. Right to present witnesses.
6. Right to have a transcript or record of the proceeding.
7. Right to appeal to an appropriate court.

Any parent or guardian may address the court regarding the due process rights of the juvenile.

(b) Placement in a secure facility for punishment for contempt shall be ordered only upon a finding that an alternative sanction is inappropriate or unavailable or that the juvenile was initially sentenced to an alternative sanction and did not comply with the alternative sanction sentence. The court is encouraged to utilize escalating manual labor community service hours up to the maximum where appropriate before utilizing secure placement sentences for contempt of court. Placement in a secure facility is authorized for the following periods of time:

1. For a maximum of 5 days for the first occurrence of direct contempt of court in which secure placement is ordered;
2. For a maximum of 15 days following the hearing for the first occurrence of indirect contempt of court in which secure placement is ordered;
3. For a maximum of 15 days for the second occurrence of direct contempt of court in which secure placement is ordered;
4. For a maximum of 45 days following the hearing for the second occurrence of indirect contempt of court in which secure placement is ordered; and
5. For the maximum allowable period for any third or subsequent occurrence of contempt of court in which secure placement is ordered.

(c) An order for placement in a secure facility for punishment for contempt of court must be in writing and must contain specific findings of fact to support the conclusions of law.

(d) The procedures, due process rights, and timeframes in this section must be strictly construed.

(5) ALTERNATIVE SANCTIONS COORDINATORS.—There is created the position of alternative sanctions coordinator within each judicial circuit, pursuant to subsection (3). Each alternative sanctions coordinator shall serve under the direction of the chief administrative judge of the juvenile division as directed by the chief judge of the circuit. The alternative sanctions coordinator shall act as the liaison between the judiciary and county juvenile justice councils, the local department officials, local school system employees and local law enforcement agencies. The alternative sanctions coordinator shall be responsible for coordinating within the circuit alternative community-based juvenile justice sanctions including nonsecure detention programs, community service projects, and other juvenile justice sanctions, in conjunction with the circuit plan implemented in accordance with s. 790.22(4)(c).

Section 10. Subsections (3) and (4) of section 39.021, Florida Statutes, are amended to read:

39.021 Administering the delinquency system.—

(3) The department shall develop or contract for diversified and innovative programs to provide rehabilitative treatment, including early intervention and prevention, diversion, comprehensive intake, case management, diagnostic and classification assessments, individual and family counseling, shelter care, diversified detention care emphasizing alternatives to secure detention, diversified community control, halfway houses, foster homes, community-based substance abuse treatment services, community-based mental health treatment services, community-based residential and nonresidential programs, environmental programs, and programs for serious or habitual juvenile offenders. Each program shall place particular emphasis on reintegration and aftercare for all children in the program. *The department shall, in accordance with s. 39.0216, cooperate with the commission to track children diverted from the judicial system and determine the effectiveness of such diversion programs relative to the community's need for long term public safety.*

(4) Pursuant to rules adopted by the department, the department may transfer a child, when necessary to appropriately administer the child's commitment, from one facility or program to another facility or program operated, contracted, subcontracted, or designated by the department. *However, the department may not release a child from the physical location of the facility without written approval of the court.*

Section 11. Section 39.0216, Florida Statutes, is created to read:

39.0216 Outcome evaluation monitoring.—

(1) It is the intent of the Legislature to:

(a) Ensure that information be provided to decisionmakers so that resources are allocated to programs of the Department of Juvenile Justice office that achieve desired performance levels.

(b) Provide information about the cost of juvenile justice programs and their differential effectiveness so that the quality of such programs can be compared and improvements made continually.

(c) Provide information to aid in developing related policy issues and concerns.

(d) Provide information to the public about the effectiveness of juvenile justice programs in meeting established goals and objectives.

(e) Provide a basis for a system of accountability to afford the best programs to meet each juvenile's needs.

(f) Improve service delivery.

(g) Modify or eliminate activities that are not effective.

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

(a) "Outcome" means the condition or circumstances of the juvenile after services or treatment have been provided and the extent of change in modifying or stabilizing the original condition or need that led to program services or treatment.

(b) "Program component" means any aggregation of generally related objectives that, because of their special character, related workload, and interrelated output, would be considered an entity for purposes of organization, management, accounting, reporting, and budgeting.

(c) "Program effectiveness" means the ability of the program to achieve program outcome goals and objectives in accordance with s. 20.195(4)(f).

(3) The Commission on Juvenile Justice shall:

(a) Establish and operate a comprehensive system to annually measure and report outcome and program effectiveness for each program operated by the Department of Juvenile Justice or operated by a provider under contract with the Department of for Juvenile Justice. Each contract entered into must provide for measuring program effectiveness.

(b) Provide operational definitions of, and criteria for, outcome and program effectiveness for each specific program component, to include, but not to be limited to, a definition of successful program completion.

(c) Establish the information and specific data elements required for the management of program-outcome measures.

(d) Establish procedures for the continuous flow of program-outcome information.

(e) Develop procedures to analyze program-outcome data in relation to program process.

(f) Implement continuous longitudinal studies to determine the long-range effects of programs. The longitudinal studies must track a cohort representative sample of clients at 5 years after their initial completion of a program. Whenever possible, longitudinal studies must compare a representative sample of juveniles completing the program with a comparable cohort group that did not enter the program.

(g) Determine the long-range effect of all programs and services within the juvenile justice continuum, including prevention, diversion, children-in-need-of-services and families-in-need-of-services programs, nonresidential and residential commitment programs, training schools, and reentry and aftercare programs and services, as well as the effect of overlaid education, vocational, substance abuse, and mental health services in cases where they have been utilized.

(h) Establish appropriate interdistrict evaluation teams using public-sector or private-sector experts to evaluate the quality of the services delivered by each program.

(4) The Department of Juvenile Justice shall:

(a) Establish goals and objectives for each specific program component to guide the Commission on Juvenile Justice in reporting on outcome and program effectiveness.

(b) Cooperate fully with the Commission on Juvenile Justice in reporting on outcome and program effectiveness.

(c) Develop a manual of specific, standardized terminology and procedures to be followed by each program. The procedure must include standard formats for collecting data from the various program components with clearly defined documentation requirements.

(5) The Commission on Juvenile Justice shall submit an annual report to the President of the Senate, the Speaker of the House of Representatives, the minority party leaders of each house of the Legislature, the appropriate substantive and appropriations committees of each house

of the Legislature, and the Governor, by no later than December 15 of each year. This report may be included in the commission's annual report prepared pursuant to s. 39.023. At a minimum this program-outcome report must contain, for each specific program: a comprehensive description of the population served by the program; a specific description of the services provided by the program; program-outcome measures; an assessment of program effectiveness; cost; a comparison of expenditures to federal and state funding; immediate and long-range concerns; the status or results of the longitudinal studies; and recommendations to maintain, expand, improve, modify, or eliminate each program so that changes in services lead to enhancement in program quality.

Section 12. Section 39.022, Florida Statutes, is amended to read:

39.022 Jurisdiction.—

(1) The circuit court has exclusive original jurisdiction of proceedings in which a child is alleged to have committed a delinquent act or violation of law.

(2) During the prosecution of any violation of law against any person who has been presumed to be an adult, if it is shown that the person was a child at the time the offense was committed *and that the person does not meet the criteria for prosecution and sentencing as an adult*, the court shall immediately transfer the case, together with the physical custody of the person and all physical evidence, papers, documents, and testimony, original and duplicate, connected therewith, to the appropriate court for proceedings under this chapter. The circuit court is exclusively authorized to assume jurisdiction over any juvenile offender who is arrested and charged with violating a federal law or a law of the District of Columbia, who is found or is living or domiciled in a county in which the circuit court is established, and who is surrendered to the circuit court as provided in 18 U.S.C. s. 5001.

(3)(a) Petitions filed under this part shall be filed in the county where the delinquent act or violation of law occurred, but the circuit court for that county may transfer the case to the circuit court of the circuit in which the child resides or will reside at the time of detention or placement for dispositional purposes. ~~A if the child who has been detained, he~~ shall be transferred to the appropriate detention center or facility or other placement directed by the receiving court.

(b) The jurisdiction to be exercised by the court when a child is taken into custody before the filing of a petition under s. 39.049(7) shall be exercised by the circuit court for the county in which the child is taken into custody, which court shall have personal jurisdiction of the child *and the child's natural, adoptive, or foster parents, whether custodial or noncustodial, or the child's legal guardian or legal or actual custodian*. Upon the filing of a petition in the appropriate circuit court, the court which is exercising initial jurisdiction of the person of the child *and the child's natural, adoptive, or foster parents, whether custodial or noncustodial, or the child's legal guardian or legal or actual custodian* shall, if the child has been detained, immediately order the child to be transferred to the detention center or facility or other placement as ordered by the court having subject matter jurisdiction of the case.

(4)(a) Notwithstanding the provisions of ss. 39.054(4) and 743.07, and except as provided in s. 39.058, when the jurisdiction of any child who is alleged to have committed a delinquent act or violation of law is obtained, the court shall retain jurisdiction, unless relinquished by its order, until the child reaches 19 years of age, with the same power over the child that the court had prior to the child becoming an adult.

(b) The court may retain jurisdiction over a child committed to the department for placement in *an intensive residential treatment for 10-13 year old or a serious or habitual juvenile offenders program* as provided in s. 39.0582 or s. 39.058 until the child reaches the age of 21. If the court exercises this jurisdiction retention, it shall do so solely for the purpose of the child completing the *intensive residential treatment for 10-13 year old or serious or habitual juvenile offenders program*. Such jurisdiction retention does not apply for other programs, other purposes, or new offenses.

(c) The court may retain jurisdiction over a child *and the child's natural, adoptive, or foster parents, whether custodial or noncustodial, or the child's legal guardian or legal or actual custodian* whom the court has ordered to pay restitution until the restitution order is satisfied or until the court orders otherwise. If the court retains *such jurisdiction over the child* after the date upon which the court's jurisdiction ~~over the child~~ would cease under this section, it shall do so solely for the purpose of enforcing the restitution order. The terms of the restitution order are subject to the provisions of s. 775.089(5).

(d) This subsection shall not be construed to prevent the exercise of jurisdiction by any court having jurisdiction of the child if the child, after becoming an adult, commits a violation of law.

~~(5)(a) If the court finds, after a waiver hearing pursuant to s. 39.052(2), that a child who was 14 years of age or older at the time the alleged violation was committed and who is alleged to have committed a violation of Florida law should be charged and tried as an adult, the court may enter an order transferring the case and certifying the case for trial as if the child were an adult. The child shall thereafter be subject to prosecution, trial, and sentencing as if the child were an adult but subject to the provisions of s. 39.050(7).~~

~~(b) The court shall transfer and certify the case for trial as if the child were an adult if the child is alleged to have committed a violation of law and, prior to the commencement of an adjudicatory hearing, the child, joined by a parent or, in the absence of a parent, by his guardian or guardian ad litem, demands in writing to be tried as an adult.~~

~~(c)1.—A child of any age charged with a violation of Florida law punishable by death or by life imprisonment is subject to the jurisdiction of the court as set forth in s. 39.049(7) unless and until an indictment on such charge is returned by the grand jury. When such indictment is returned, the petition for delinquency, if any, shall be dismissed and the child shall be tried and handled in every respect as if he were an adult:~~

~~a. On the offense punishable by death or by life imprisonment; and~~

~~b. On all other felonies or misdemeanors charged in the indictment which are based on the same act or transaction as the offense punishable by death or by life imprisonment or on one or more acts or transactions connected with the offense punishable by death or by life imprisonment.~~

~~2.—No adjudicatory hearing shall be held for 21 days after the child is taken into custody and charged with having committed an offense punishable by death or by life imprisonment, unless the state attorney advises the court in writing that he does not intend to present the case to the grand jury or that he has presented the case to the grand jury and the grand jury has not returned an indictment. If the court receives such a notice from the state attorney, or if the grand jury fails to act within the 21-day period, the court may proceed as otherwise authorized under this chapter.~~

~~3.—If the child is found to have committed the offense punishable by death or by life imprisonment, the child shall be sentenced as an adult. If the child is not found to have committed the indictable offense but is found to have committed a lesser included offense or any other offense for which he was indicted as a part of the criminal episode, the court may sentence as follows:~~

~~a. Pursuant to the provisions of s. 39.050;~~

~~b. Pursuant to the provisions of chapter 958, notwithstanding any other provisions of that chapter to the contrary; or~~

~~c. As an adult, pursuant to the provisions of s. 39.050(7)(c).~~

~~Once a child has been indicted pursuant to this paragraph and has been found to have committed any offense for which he was indicted as a part of the criminal episode, the child shall thereafter be handled in every respect as if he were an adult for any subsequent violation of Florida law, unless the court pursuant to this paragraph imposes juvenile sanctions under s. 39.050.~~

~~(d) Once a child has been transferred for criminal prosecution pursuant to a voluntary or an involuntary waiver hearing or information and has been found to have committed the offense for which he is transferred or a lesser included offense, the child shall thereafter be handled in every respect as if he were an adult for any subsequent violation of Florida law, unless the court, pursuant to this paragraph, imposes juvenile sanctions under s. 39.050(6).~~

~~(e) Each state attorney shall develop written policies and guidelines which govern determinations for filing an information on a child, to be submitted to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives not later than January 1, 1991.~~

~~(6) When a child has been transferred for criminal prosecution as an adult and has been found to have committed a violation of Florida law, the disposition of the case may be made pursuant to s. 39.050 and may include the enforcement of any restitution ordered in any juvenile proceeding.~~

~~(7) Nothing in this part shall be deemed to deprive the court of any jurisdiction or relieve it of any duties conferred upon the court by law.~~

Section 13. Section 39.023, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 39.023, F.S., for present text.)

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

(1) Membership.—The commission shall consist of the following members:

(a) Two members appointed by the Governor, one of whom shall be selected from a list of three names submitted by the Clearinghouse on Human Services and shall be selected to represent the interests of juveniles.

(b) One member appointed by the President of the Senate.

(c) One member appointed by the Speaker of the House of Representatives.

(d) One member appointed by the Chief Justice of the Supreme Court.

(e) One member appointed by the Attorney General.

(f) One member appointed by the president of the Florida Prosecuting Attorneys Association.

(g) One member appointed by the president of the Florida Public Defenders Association.

(h) One member appointed by the Commissioner of Education.

(i) One member appointed by the president of the Florida Sheriffs Association.

(j) After October 1, 1995, one member appointed by the Secretary of Juvenile Justice, who may not be an employee of the Department of Juvenile Justice or the Department of Health and Rehabilitative Services.

(2) Membership qualifications; officers.—

(a) Members of the commission shall be qualified to consider and act upon juvenile justice issues, shall have direct experience and strong interest in juvenile justice, shall be knowledgeable in current juvenile justice policies and practices, and shall broadly represent juvenile justice and child advocacy interests.

(b) The composition of the commission shall be broadly reflective of the public and shall include minorities and women. The term "minorities" as used in this paragraph means a member of a socially or economically disadvantaged group that includes African-Americans, Hispanics, and American Indians.

(c) The commission shall select a chair and a vice chair from its voting members. The chair and vice chair shall serve for 2 years, and no such officer shall succeed himself or herself in such capacity.

(3) Terms; suspension or removal.—Members shall serve 4-year terms. However, those members appointed by the presidents of the Florida Prosecuting Attorneys Association and the Florida Public Defenders Association, as well as the members appointed by the Department of Juvenile Justice, the Commissioner of Education, and the Attorney General, and whose terms begin October 1, 1994, shall serve a 2-year term. A vacancy on the board shall be filled within 60 days after the date on which the vacancy occurs, and the appointment shall be for the unexpired term. A member shall not serve for more than two consecutive 4-year terms; however, a member appointed to fill a vacancy is eligible for two full, successive terms after expiration of the term of the vacancy for which he or she was appointed. Members may be suspended or removed by their respective appointing officials upon recommendation or approval of a majority of the commission members.

(4) Meetings.—The commission shall meet at least six times annually, and more often when deemed appropriate by a majority of the commission members or on call of the chair.

(5) Expenses; staff; placement of commission.—

(a) The commission members shall serve without compensation, but shall be reimbursed for per diem and travel expenses pursuant to s. 112.061.

(b) The commission shall be staffed by a staff director and other personnel who shall be appointed by the commission and who shall be exempt from the provisions of part II of chapter 110, relating to the Career Service System. The staff director of the commission shall answer directly to the chair of the commission.

(c) The commission is assigned, for administrative purposes, to the Joint Legislative Management Committee and is subject to the established policies and procedures of the Joint Legislative Management Committee. The Joint Legislative Management Committee and each state agency shall provide assistance when requested by the commission. The employment of staff and consultants, the budget of the commission, and any transfer of funds by budget amendment must be approved in advance by the President of the Senate and the Speaker of the House of Representatives.

(6) Powers and duties.—The commission shall serve both as an oversight and evaluation body. The commission shall have the powers and duties to:

(a) Review and recommend programmatic and fiscal policies governing the operation of programs, services, and facilities for which the Department of Juvenile Justice is responsible.

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

(c) Monitor all activities of the executive and judicial branch and their effectiveness in implementing policies pursuant to parts II and IV.

(d) Establish and operate a comprehensive system in accordance with s. 39.0216 to annually measure and report program outcome and effectiveness for each program operated by the Department of Juvenile Justice or operated by a provider under contract with the department. The commission shall use its evaluation of program outcome and program effectiveness to make recommendations to the Legislature for the funding of juvenile justice programs.

(e) Advise the President of the Senate, the Speaker of the House of Representatives, and the Governor on matters relating to parts II and IV. The commission shall submit an annual report to the President of the Senate, the Speaker of the House of Representatives, and the Governor, by no later than December 15 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.

(f) Hold public hearings and publicize activities of the commission and of the Department of Juvenile Justice, as appropriate.

(g) Monitor the delivery and use of services, programs, or facilities operated, funded, regulated, or licensed by the Department of Juvenile Justice for juvenile offenders or 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.

(h) Contract for consultants as necessary and appropriate, within the limits of specific appropriations.

(i) Conduct such other activities as the commission may determine are necessary and appropriate to monitor the effectiveness of the delivery of juvenile justice programs and services under parts II and IV.

(7) Access to records.—The commission shall have access to all records, files, and reports from any program, service, or facility that is operated, funded, licensed, or regulated by the Department of Juvenile Justice that are material to its monitoring duties and which are in the custody of the Department of Juvenile Justice or of any other agency or department of government. The commission's monitoring may not impede or obstruct matters under investigation by department, law enforcement, or judicial authorities. Access shall not be granted if a specific procedure or prohibition for reviewing records is required by federal law and regulation which supersedes state law. Access shall not be granted to the records of a private licensed practitioner who is providing services outside agencies and facilities and whose client is competent and refuses disclosure. Notwithstanding the provisions of s. 119.14, all infor-

mation obtained and copies of records received by the commission otherwise made confidential by law or relating to the identity of any person providing information to the commission about abuse or alleged violations of constitutional or human rights shall be confidential and exempt from the provisions of s. 119.07(1). Original client files, records, and reports shall not be removed from the Department of Health and Rehabilitative Services or agency facilities. Under no circumstance shall the commission have access to confidential adoption records in accordance with the provisions of ss. 39.411, 63.022, and 63.162. Any person who knowingly and willfully discloses any confidential information commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(8) Repeal.—This section is repealed October 1, 2000, and shall be reviewed by the Legislature prior to that date.

Section 14. Section 39.024, Florida Statutes, is amended to read:

39.024 Juvenile justice training academies established; Juvenile Justice Standards and Training Commission Council created; Juvenile Justice Training Trust Fund created.—

(1) LEGISLATIVE PURPOSE.—In order to enable the state to provide a systematic approach to staff development and training for judges, state attorneys, public defenders, law enforcement officers, school district personnel, Commission on Juvenile Justice staff, and Department of Juvenile Justice staff and delinquency program staff that will meet the needs of such persons in their discharge of duties while at the same time meeting the requirements for the American Correction Association accreditation by the Commission on Accreditation for Corrections, it is the purpose of the Legislature to require the department to establish, maintain, and oversee the operation of juvenile justice training academies in the state. The purpose of the Legislature in establishing staff development and training programs is to foster better staff morale and reduce mistreatment and aggressive and abusive behavior in delinquency programs; to positively impact the recidivism of children in the juvenile justice system; and to afford greater protection of the public through an improved level of services delivered by a professionally trained delinquency program staff to children who are alleged to be or who have been found to be delinquent.

(2) JUVENILE JUSTICE STANDARDS AND TRAINING COMMISSION COUNCIL.—

(a) There is created ~~under within~~ the Department of Juvenile Justice ~~department~~ the Juvenile Justice Standards and Training Commission Council, hereinafter referred to as the *commission council*. The 17-member *commission council* shall consist of the Attorney General or his designee, the Commissioner of Education or her designee, a member of the juvenile court judiciary to be appointed by the Chief Justice of the Supreme Court, and 14 members to be appointed by the Secretary of Juvenile Justice ~~Health and Rehabilitative Services~~ as follows:

1. Eight members of the council shall be delinquency program staff: a superintendent and a direct care staff member from a state-owned and state-operated institution; a superintendent, a director, or a direct care staff member from both a contracted and a state-operated community-based program; a superintendent and a direct care staff member from a regional detention center or facility; an intake supervisor, intake counselor, or case manager; and a community control and furlough supervisor or counselor.

2. Two members of the council shall be representatives of local law enforcement agencies.

3. ~~One member Two members of the council~~ shall be an educator ~~educators~~ from the state's university and community college program programs of criminology, criminal justice administration, social work, psychology, sociology, or other field fields of study pertinent to the training of delinquency program staff.

4. ~~One member Two members of the council~~ shall be a member ~~mem-~~bers of the public.

5. *One state attorney with juvenile court experience.*

6. *One public defender with juvenile court experience.*

All appointed members shall be appointed to serve terms of 2 years.

(b) The composition of the *commission council* shall be broadly reflective of the public and shall include minorities and women. The term

"minorities" as used in this paragraph means a member of a socially or economically disadvantaged group that includes blacks, Hispanics, and American Indians.

(c) *The Department of Juvenile Justice shall provide the commission with staff necessary to assist the commission in the performance of its duties.*

(d) *The commission shall annually elect its chair and other officers. The commission shall hold at least four regular meetings each year at the call of the chair or upon the written request of three members of the commission. A majority of the members of the commission constitutes a quorum. Members of the commission shall serve without compensation but shall be entitled to be reimbursed for per diem and travel expenses as provided by s. 112.061 and these expenses shall be paid from the Juvenile Justice Training Trust Fund.*

(e)(e) *The powers, duties, and functions of the commission council shall be to:*

1. *Designate ~~advise the department on~~ the location of the training academies; ~~develop, implement, maintain, and update the~~ curriculum to be used in the training of ~~Department of Juvenile Justice delinquency program~~ staff; ~~establish, timeframes for participation in and completion of training by Department of Juvenile Justice delinquency program~~ staff; ~~develop, implement, maintain, and update job-related examinations;~~ ~~develop, implement, maintain, and update the,~~ types and frequencies of evaluations of the training academies; ~~approve, modify, or disapprove,~~ the budget for the training academies, and the contractor to be selected to organize and operate the training academies and to provide the training curriculum.*

2. *Establish uniform minimum job-related training courses and examinations for juvenile justice program staff. ~~Advise the department on staffing for the council.~~*

3. *Consult and cooperate with the state or any political subdivision, any private entity or contractor, and with private and public universities, colleges, community colleges, and other educational institutions concerning the development of juvenile justice training and programs or courses of instruction, including, but not necessarily limited to, education and training in the areas of juvenile justice. ~~Review, evaluate, and advise the department concerning revisions, if needed, in both rules and law-affecting standards and training for delinquency programs.~~*

4. *With the approval of the department, make and enter into such contracts and agreements with other agencies, organizations, associations, corporations, individuals, or federal agencies as the commission determines are necessary in the execution of its powers or the performance of its duties. ~~Recommend improvements, if needed, in the administration of delinquency programs.~~*

5. *Make recommendations to the Department of Juvenile Justice concerning any matter within the purview of this section. ~~Report annually to the Secretary of Health and Rehabilitative Services, the President of the Senate, and the Speaker of the House of Representatives.~~*

(d) *The Secretary of Health and Rehabilitative Services shall respond to the recommendations of the council in writing. The response shall be forwarded to the council, the President of the Senate, and the Speaker of the House of Representatives.*

(e) *The department shall provide the council with staff necessary to assist in the performance of its duties.*

(f) *Members of the council shall receive no compensation but shall be reimbursed for expenses as provided in s. 112.061.*

(3) **JUVENILE JUSTICE TRAINING PROGRAM.**—*The commission ~~department~~ shall establish a program for juvenile justice training pursuant to the provisions of this section, and all Department of Juvenile Justice ~~delinquency program~~ staff shall be required to participate in and successfully complete the program of training pertinent to their areas of responsibility. Judges, state attorneys, and public defenders, law enforcement officers, school district personnel, and the staff of the Commission on Juvenile Justice may participate in such training program. The Juvenile Justice Standards and Training Commission shall, based on a job task analysis:*

(a) *Design, implement, maintain, evaluate, and revise a basic training program, including a curriculum-based examination, for the purpose of providing minimum employment training qualifications for all juvenile justice personnel.*

(b) *Design, implement, maintain, evaluate, and revise an advanced training program, including a curriculum-based examination for each training course, which is intended to enhance knowledge, skills, and abilities related to job performance.*

(c) *Design, implement, maintain, evaluate, and revise a career development training program, including a curriculum-based examination for each training course. Career development courses are intended to prepare personnel for promotion.*

(d) *The commission is encouraged to design, implement, maintain, evaluate, and revise juvenile justice training courses, or to enter into contracts for such training courses, that are intended to provide for the safety and well-being of both citizens and juvenile offenders.*

(4) **JUVENILE JUSTICE TRAINING TRUST FUND.**—

(a) *There is created within the State Treasury a Juvenile Justice Training Trust Fund to be used by the Department of Juvenile Justice for the purpose of funding the development and updating of a job task analysis of juvenile justice personnel; the development, implementation, and updating of job-related training courses and examinations; and a system of juvenile justice training academies; the participation of Department of Juvenile Justice ~~delinquency program~~ staff and the Commission on Juvenile Justice staff in the academies, the staff for the Juvenile Justice Standards and Training Commission Council, and reimbursement for expenses as provided in s. 112.061 for members of the council.*

(b) *One dollar from every noncriminal traffic infraction collected pursuant to ss. 318.14(9)(b), 318.14(10)(b), and 318.18 shall be deposited into the Juvenile Justice Training Trust Fund.*

(c) *In addition to the funds generated by paragraph (b), the trust fund may receive funds from any other public or private source.*

(d) *Funds that are not expended by the end of the budget cycle or through a supplemental budget approved by the department shall revert to the trust fund.*

(5) **ESTABLISHMENT OF JUVENILE JUSTICE TRAINING ACADEMIES.**—*The number, location, and timeframe for establishment of juvenile justice training academies shall be according to the recommendation of the ~~commission council~~ as approved by the Department Secretary of Juvenile Justice ~~Health and Rehabilitative Services.~~*

(6) **SCHOLARSHIPS AND INCENTIVES.**—

(a) *By rule, the commission shall establish criteria to award scholarships or stipends to qualified juvenile justice personnel who are residents of the state who want to pursue a bachelor's or associate of arts degree in juvenile justice or a related field. The department shall handle the administration of the scholarship or stipend. The Department of Education shall handle the notes issued for the payment of the scholarships or stipends. All scholarship and stipend awards shall be paid from the Juvenile Justice Training Trust Fund upon vouchers approved by the Department of Education and properly certified by the Comptroller. Prior to the award of a scholarship or stipend the juvenile justice employee must agree in writing to practice his or her profession in juvenile justice or a related field for 1 month for each month of grant or to repay the full amount of the scholarship or stipend together with interest at the rate of 5 percent per annum over a period not to exceed 10 years. Repayment shall be made payable to the state for deposit into the Juvenile Justice Training Trust Fund.*

(b) *The commission may establish the scholarship program rule at its first meeting after the effective date of this act and implement the program on or after July 1, 1995.*

(7)(6) **ADOPTION OF RULES.**—*The ~~commission department~~ shall adopt rules as necessary to carry out the provisions of this section.*

(8)(7) **PARTICIPATION OF CERTAIN PROGRAMS IN THE FLORIDA CASUALTY INSURANCE RISK MANAGEMENT TRUST FUND.**—*Pursuant to s. 284.30, the Division of Risk Management of the Department of Insurance is authorized to insure a private agency, individual, or corporation operating a state-owned training school under a contract to carry out the purposes and responsibilities of any program of the department. The coverage authorized herein shall be under the same general terms and conditions as the department is insured for its responsibilities under chapter 284.*

Section 15. Subsections (1) and (4) of section 39.0255, Florida Statutes, are amended to read:

39.0255 Civil citation.—

(1) There is hereby established a juvenile civil citation process for the purpose of providing an efficient and innovative alternative to custody by the Department of Health and Rehabilitative Services of children who commit nonserious delinquent acts and to ensure swift and appropriate consequences. The civil citation program may be established at the local level with the concurrence of the chief judge of the circuit, state attorney, public defender, and the head of each local law enforcement agency involved. Under such a juvenile civil citation program, any law enforcement officer upon making contact with a juvenile who admits having committed a misdemeanor, may issue a civil citation assessing not more than 50 community service hours, and may require participation in intervention services appropriate to identified needs of the juvenile, including family counseling, urinalysis monitoring, and substance abuse and mental health treatment services. A copy of each citation issued under this section shall be provided to the department, and the department shall enter appropriate information into the juvenile offender information system.

(4) Failure of the juvenile to report timely for or to complete a work assignment or to comply with assigned intervention services, or to complete his work assignment within the prescribed time or if the juvenile commits a third or subsequent misdemeanor, the law enforcement officer shall issue a report alleging the child has committed a delinquent act, at which point an intake counselor or case manager shall perform a preliminary determination as provided under s. 39.047(4).

Section 16. Section 39.026, Florida Statutes, is amended, and sections 39.027, 39.028, 39.029, 39.033, 39.034, 39.035, and 39.036, Florida Statutes, are renumbered as subsections (2), (3), (4), (5), (6), (7), and (8), respectively, of section 39.026, Florida Statutes, and amended, to read:

39.026 Community arbitration; purpose.—

(1) *PURPOSE.*—The purpose of community arbitration is to provide a system by which children who commit delinquent acts may be dealt with in a speedy and informal manner at the community or neighborhood level, in an attempt to reduce the ever-increasing instances of delinquent acts and permit the judicial system to deal effectively with cases which are more serious in nature.

(2) ~~39.027~~ Community arbitration PROGRAMS.—

(a)(1) Each county may establish community arbitration programs designed to complement the department's intake process provided in this chapter. Community arbitration programs shall provide one or more community arbitrators or community arbitration panels to hear informally cases which involve alleged commissions of certain delinquent acts by children.

(b)(2) Cases which may be referred to a community arbitrator or community arbitration panel are limited to those which involve violations of local ordinances, those which involve misdemeanors, and those which involve third degree felonies, exclusive of third degree felonies involving personal violence, grand theft auto, or the use of a weapon.

(c)(3) A child who has been the subject of at least one prior adjudication or adjudication withheld for any first or second degree felony offense, any third degree felony offense involving personal violence, grand theft auto, or the use of a weapon, or any other offense not eligible for arbitration, shall not be eligible for resolution of any current offense through community arbitration.

(d)(4) Cases resolved through community arbitration shall be limited pursuant to this subsection.

1.(a) For each child referred to community arbitration, the primary offense shall be assigned a point value.

a.1. Misdemeanor offenses shall be assigned two points for a misdemeanor of the second degree, four points for a nonviolent misdemeanor of the first degree, and six points for a misdemeanor of the first degree involving violence.

b.2. Eligible third degree felony offenses shall be assigned eight points.

2.(b) There is not a restriction on the limit of separate incidents for which a law enforcement officer may refer a child to community arbitration, but a child who has accrued a point value of twelve or more points through community arbitration prior to the current offense shall no longer be eligible for community arbitration.

3.(e) The point values provided in this subsection shall also be assigned to a child's prior adjudications or adjudications withheld on eligible offenses for cases not referred to community arbitration.

(3) ~~39.028~~ COMMUNITY ARBITRATORS.—The chief judge of each judicial circuit shall maintain a list of qualified persons who have agreed to serve as community arbitrators for the purpose of carrying out the provisions of this part. Community arbitrators shall meet the qualification and training requirements adopted in rule by the Supreme Court. Whenever possible, qualified volunteers shall be used as community arbitrators.

(a)(1) Each community arbitrator or member of a community arbitration panel shall be selected by the chief judge of the circuit, the senior circuit court judge assigned to juvenile cases in the circuit, and the state attorney. A community arbitrator or, in the case of a panel, the chief arbitrator shall have such powers as are necessary to conduct the proceedings in a fair and expeditious manner.

(b)(2) A community arbitrator or member of a community arbitration panel shall be trained or experienced in juvenile causes and shall be:

1.(a) Either a graduate of an accredited law school or of an accredited school with a degree in behavioral social work or trained in conflict resolution techniques; and

2.(b) A person of the temperament necessary to deal properly with cases involving children and with the family crises likely to be presented to him.

(4) ~~39.029~~ PROCEDURE FOR INITIATING CASES FOR COMMUNITY ARBITRATION.—

(a)(1) Any law enforcement officer may issue a complaint, along with a recommendation for community arbitration, against any child who such officer has reason to believe has committed any offense that is eligible for community arbitration. The complaint shall specify the offense and the reasons why the law enforcement officer feels that the offense should be handled by community arbitration. Any intake counselor or case manager or, at the request of the child's parent or legal custodian or guardian, the state attorney or the court having jurisdiction, with the concurrence of the state attorney, may refer a complaint to be handled by community arbitration when appropriate. A copy of the complaint shall be forwarded to the appropriate intake counselor or case manager and the parent or legal custodian or guardian of the child within 48 hours after issuance of the complaint. In addition to the complaint, the child and his parent or legal custodian or guardian shall be informed of the objectives of the community arbitration process, the conditions, procedures, and timeframes under which it will be conducted, and the fact that it is not obligatory. The child and his parent or legal custodian or guardian shall be informed that acceptance of the timeframe for successfully completing the community arbitration agreement may delay the ~~45-day speedy trial~~ and operate as a waiver of the speedy trial provisions of ~~provision under~~ s. 39.048(6). The intake counselor shall contact the child and his parent or legal custodian or guardian within 2 days after the date on which the complaint was received. At this time, the child or his parent or legal custodian or guardian shall inform the intake counselor of the decision to approve or reject the handling of the complaint through community arbitration.

(b)(2) The intake counselor shall verify accurate identification of the child and determine whether or not the child has any prior adjudications or adjudications withheld for an offense eligible for community arbitration for consideration in the point value structure. If the child has at least one prior adjudication or adjudication withheld for an offense which is not eligible for community arbitration, or if the child has already surpassed the accepted level of points on prior community arbitration resolutions, the intake counselor or case manager shall consult with the state attorney regarding the filing of formal juvenile proceedings.

(c)(3) If the child or his parent or legal custodian or guardian rejects the handling of the complaint through community arbitration, the intake counselor shall consult with the state attorney for the filing of formal juvenile proceedings.

(d)(4) If the child or his parent or legal custodian or guardian accepts the handling of the complaint through community arbitration, the intake counselor shall provide copies of the complaint to the arbitrator or panel within 24 hours.

(e)(5) The community arbitrator or community arbitration panel shall, upon receipt of the complaint, set a time and date for a hearing within 7 days and shall inform the child's parent or legal custodian or guardian, the complaining witness, and any victims of the time, date, and place of the hearing.

~~(5) 39.033—Community arbitration~~ HEARINGS.—

(a)(1) The law enforcement officer who issued the complaint need not appear at the scheduled hearing. However, prior to the hearing, he shall file with the community arbitrator or the community arbitration panel a comprehensive report setting forth the facts and circumstances surrounding the allegation.

(b)(2) Records and reports submitted by interested agencies and parties, including, but not limited to, complaining witnesses and victims, may be received in evidence before the community arbitrator or the community arbitration panel without the necessity of formal proof.

(c)(3) The testimony of the complaining witness and any alleged victim may be received when available.

(d)(4) Any statement or admission made by the child appearing before the community arbitrator or the community arbitration panel relating to the offense for which he was cited is privileged and may not be used as evidence against him either in a subsequent juvenile proceeding or in any subsequent civil or criminal action.

(e)(5) If a child fails to appear on the original hearing date, the matter shall be referred back to the intake counselor who shall consult with the state attorney regarding the filing of formal juvenile proceedings.

~~(6) 39.034—Community arbitration;~~ DISPOSITION OF CASES.—

(a)(1) Subsequent to any hearing held as provided in s. 39.033, the community arbitrator or community arbitration panel may:

1.(a) ~~Recommend that the state attorney decline prosecution~~ Dismiss the case.

2.(b) ~~Issue~~ Dismiss the case with a warning to the child or the child's family and recommend that the state attorney decline prosecution.

3.(c) Refer the child for placement in a community-based nonresidential program.

4.(d) Refer the child or the family to community counseling.

5.(e) Refer the child to a safety and education program related to delinquent children.

6.(f) Refer the child to a work program related to delinquent children and require up to 100 hours of work by the child.

7.(g) Refer the child to a nonprofit organization for volunteer work in the community and require up to 100 hours of work by the child.

8.(h) Order restitution in money or in kind in a case involving property damage; however, the amount of restitution shall not exceed the amount of actual damage to property.

9.(i) Continue the case for further investigation.

10.(j) Impose any other restrictions or sanctions that are designed to encourage responsible and acceptable behavior and are agreed upon by the participants of the community arbitration proceedings.

11. Require urine monitoring.

The community arbitrator or community arbitration panel shall determine an appropriate timeframe in which the disposition must be completed. The community arbitrator or community arbitration panel shall report the disposition of the case to the intake counselor or case manager.

(b)(2) Any person or agency to whom a child is referred pursuant to this section shall periodically report the progress of the child to the referring community arbitrator or community arbitration panel in the manner prescribed by such arbitrator or panel.

(c)(3) Any child who is referred by the community arbitrator or community arbitration panel to a work program related to delinquent children or to a nonprofit organization for volunteer work in the community, and who is also ordered to pay restitution to the victim, may be paid a reasonable hourly wage for his work, to the extent that funds are specifically appropriated or authorized for this purpose; provided, however, that such payments shall not, in total, exceed the amount of restitution ordered and that such payments shall be turned over by the child to the victim.

(d)(4) If a child consents to an informal resolution and, in the presence of his parent or legal custodian or guardian and the community arbitrator or community arbitration panel, agrees to comply with any disposition suggested or ordered by such arbitrator or panel and subsequently fails to abide by the terms of such agreement, the community arbitrator or community arbitration panel may, after a careful review of the circumstances, forward the case back to the intake counselor, who shall consult with the state attorney regarding the filing of formal juvenile proceedings.

~~(7) 39.035—Community arbitration;~~ REVIEW.—Any child or his parent or legal custodian or guardian who is dissatisfied with the disposition provided by the community arbitrator or the community arbitration panel may request a review of the disposition to the appropriate intake counselor within 15 days after the community arbitration hearing. Upon receipt of the request for review, the intake counselor shall consult with the state attorney who shall consider the request for review and may file formal juvenile proceedings or take such other action as may be warranted.

~~(8) 39.036—Community arbitration;~~ FUNDING.—Funding for the provisions of community arbitration may be provided through appropriations from the state or from local governments, through federal or other public or private grants, through any appropriations as authorized by the county participating in the community arbitration program, and through donations.

Section 17. Paragraph (b) of subsection (1) of section 39.037, Florida Statutes, is amended to read:

39.037 Taking a child into custody.—

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

(b) For a delinquent act or violation of law, pursuant to Florida law pertaining to a lawful arrest. If such delinquent act or violation of law would be a felony if committed by an adult or involves a crime of violence or a crime in which a deadly weapon was used, the arresting authority shall immediately notify the district school superintendent, or his designee, of the school district with educational jurisdiction of the child. ~~Except to the extent necessary to protect the health, safety, and welfare of other students, faculty, or staff,~~ The information obtained by the superintendent of schools pursuant to this section ~~must be~~ may be released within 48 hours after receipt only to appropriate school personnel, including the principal of the child's school, or as otherwise provided by law. ~~The principal must immediately notify the child's immediate classroom teachers.~~ In order to protect the rights of the child and his parents or other persons responsible for the child's welfare, all information in the possession of the superintendent or other employees of the school district concerning reports of delinquent acts or violations of law involving a crime of violence or a crime in which a deadly weapon was used shall be confidential and exempt from the provisions of s. 119.07(1), and shall not be disclosed except as specifically authorized by this paragraph. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14. Information provided by an arresting authority pursuant to this paragraph shall not be placed in the student's permanent record and shall be removed from all school records no later than 9 months after the date of the arrest.

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 18. Paragraph (a) of subsection (2) of section 39.038, Florida Statutes, is amended, and a new paragraph (f) is added to said subsection, 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. *Prior to releasing the child to a responsible adult, other than the parent, guardian, or legal custodian, the person taking the child into custody may conduct a criminal history background check of the person. If the person has a prior felony conviction, or a conviction for child abuse, drug trafficking, or prostitution, that person is not a responsible adult for the purposes of this section.* 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.

(f) *If available, to a juvenile assessment center equipped and staffed to assume custody of the child for the purpose of assessing the needs of the child in custody. The center may then release or deliver the child pursuant to this section with a copy of the assessment.*

(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.

(5) Upon taking a child into custody, a law enforcement officer may deliver the child, for temporary custody not to exceed 6 hours, to a secure booking area of a jail or other facility intended or used for the detention of adults, for the purpose of fingerprinting or photographing the child or awaiting appropriate transport to the department or as provided in subsection (4), provided no regular sight and sound contact between the child and adult inmates or trustees is permitted and the receiving facility has adequate staff to supervise and monitor the child's activities at all times.

Section 19. Section 39.043, Florida Statutes, is amended to read:

39.043 Prohibited uses of detention.—

(1) A child alleged to have committed a delinquent act or violation of law ~~may shall~~ not be placed into secure, nonsecure, or home detention care for any of the following reasons:

~~(a) To punish, treat, or rehabilitate the child;~~

(a)(b) To allow a parent to avoid his or her legal responsibility;

(b)(c) To permit more convenient administrative access to the child;

(c)(d) To facilitate further interrogation or investigation; or

(d)(e) Due to a lack of more appropriate facilities.

(2) A child alleged to be dependent or in need of services ~~may shall~~ not, under any circumstances, be placed into secure detention care solely for these reasons.

Section 20. Paragraph (b) of subsection (1) and subsections (2), (4), (5), (6), and (11) of section 39.044, Florida Statutes, are amended to read:

39.044 Detention.—

(1) The intake counselor or case manager shall receive custody of a child who has been taken into custody from the law enforcement agency and shall review the facts in the law enforcement report or probable cause affidavit and make such further inquiry as may be necessary to determine whether detention care is required.

(a) During the period of time from the taking of the child into custody by the department to the date of the detention hearing, the initial decision as to the child's placement into secure, nonsecure, or home detention care, or release from custody, shall be made by the intake counselor or case manager pursuant to ss. 39.042 and 39.043. Every effort shall be made to release the child from custody pursuant to s. 39.038.

(b) The intake counselor or case manager shall base ~~the his~~ decision whether or not to detain the child on an assessment of risk in accordance with the risk assessment instrument and procedures developed by the department pursuant to s. 39.042(3). *However, the intake counselor or case manager shall detain a child who is charged with a violation of s. 790.22(3).*

(c) If the intake counselor or case manager determines that a child who is eligible for detention based upon the results of the risk assessment instrument should be released, the intake counselor or case manager shall contact the state attorney, who may authorize release. If detention is not authorized, the child may be released by the intake counselor or case manager in accordance with s. 39.038.

Under no circumstances shall the intake counselor or case manager or the state attorney or law enforcement officer authorize the detention of any child in a jail or other facility intended or used for the detention of adults, without an order of the court.

(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 from lawful transportation thereto or therefrom*, 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, a life felony, a felony of the first degree, a felony of the second degree *that does not involve a violation of chapter 893*, or a felony of the third degree that is also a crime of violence, *including any such offense involving the use or possession of a firearm; or*

(d) *The child is charged with a violation of s. 790.22(3); or*

~~(e)(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 or any third-degree felony that is not also a crime of violence, and the child:~~

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 ~~the his~~ case;

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.

(4) The court may order the delivery of a child to a jail or other facility intended or used for the detention of adults:

(a) When the child has been transferred or indicted for criminal prosecution as an adult ~~under pursuant to~~ this chapter, except that the court shall not order or allow a child alleged to have committed a misdemeanor who is being transferred for criminal prosecution ~~under pursuant to~~ s.

39.059 to be detained or held in a jail or other facility intended or used for the detention of adults; however, *the such* child may be held temporarily in a detention facility; or

(b) When a child taken into custody in this state is wanted by another jurisdiction for prosecution as an adult.

The child ~~must shall~~ be housed separately from adult inmates to prohibit ~~the~~ a child from having regular contact with incarcerated adults, including trustees. "Regular contact" means sight and sound contact. Separation of children from adults ~~may not shall~~ permit no more than haphazard or accidental contact. The receiving jail or other facility ~~must shall~~ contain a separate section for children and ~~shall~~ have an adequate staff to supervise and monitor the child's activities at all times. Supervision and monitoring of children ~~must shall~~ include physical observation and documented checks by jail or receiving facility supervisory personnel at intervals not to exceed 15 minutes. Nothing in this paragraph ~~prohibits shall prohibit~~ the placing of two or more children in the same cell. ~~Under no circumstances shall~~ A child *may not* be placed in the same cell with an adult.

(5)(a) A ~~No~~ child *may not shall* be placed into or held in secure, non-secure, 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; *however, upon the 21st day that a child has been held, if an adjudicatory hearing for the case has not been commenced by the court, the state attorney may request a 15-day detention extension for cause and the court must have a hearing on such request for extension. The total time may not exceed 36 days on an extended preadjudicatory detention.*

(c) A ~~No~~ child *may not shall* be held in secure, nonsecure, or home detention care for more than 15 days ~~after 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 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 an order of disposition requiring residential placement or commitment pursuant to subsection (11) or a grant of continuance.~~

(d) The time limits 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 ~~the child's~~ his counsel ~~or of the state.~~

(6) When any child is placed into secure, nonsecure, or home detention care or into other placement pursuant to a court order following a detention hearing, the court shall order the natural or adoptive parents, ~~whether custodial or noncustodial, or the legal guardian or legal or actual custodian and may order the foster parents of the such child, the natural father of such child born out of wedlock who has acknowledged his paternity in writing before the court, or the guardian of the such child's estate, if possessed of assets which under law may be disbursed for the care, support, and maintenance of the child, to pay to the department or institution having custody of the child fees as established by the department. When a juvenile has been found to have committed a delinquent act or crime whether or not formal adjudication is withheld, and when the juvenile's legal or actual custodian, parent, foster parent, or legal or actual guardian receives AFDC or other public assistance to provide for any portion of that juvenile's care, the court may, in its discretion, where there is no federal prohibition to the contrary, garnish or otherwise order the payments of such public assistance or a portion thereof to be made directly, to offset the costs, to anyone providing care, custody, maintenance, rehabilitation, intervention, or corrective services to the juvenile. When the order affects the guardianship estate, a certified copy of the order shall be delivered to the judge having jurisdiction of the guardianship estate.~~

(11)(a) When a child is committed to the department awaiting dispositional placement, removal of the child from detention care shall occur within 5 days, excluding Saturdays, Sundays, and legal holidays. A child placed into secure detention care and committed to the department who is awaiting dispositional placement in a commitment program shall be

transferred by the department into nonsecure or home detention care if placement does not occur within 5 days after commitment, excluding Saturdays, Sundays, and legal holidays. If the child is committed to a residential program, the department may seek an order from the court authorizing continued detention for a specific period of time necessary for the appropriate residential placement of the child. However, such continued detention in secure detention care or transfer to nonsecure or home detention care shall not exceed 15 days after commitment, excluding Saturdays, Sundays, and legal holidays. *If an order of disposition has been entered and the order requires residential placement or commitment of the child in a high or maximum risk facility, the child must be held in detention care until the placement or commitment can be accomplished. If an order of disposition has been entered and the order requires residential placement or commitment of the child in a moderate risk facility, the child must be electronically monitored by the department until placement or commitment can be accomplished.*

(b) Effective July 1, 1995, when an order of disposition has been entered and the order requires residential placement or commitment of the child, the child must be held in detention care until the placement or commitment can be accomplished.

Section 21. For the purpose of incorporating the amendment to s. 39.044, Florida Statutes, in references thereto, the sections or subdivisions of Florida Statutes set forth below are reenacted 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 offspring and does not meet the detention criteria established in s. 39.044, the court may order that the child be placed in a respite home, if available, or any similar residential facility, if available, other than a detention center, authorized by the department for the placement of juvenile domestic violence offenders.

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 22. Subsections (2), (4), (5), (7), (8), (9), and (10) of section 39.045, Florida Statutes, are amended, and subsection (11) is added to said section, to read:

39.045 Oaths; records; confidential information.—

(2) The court shall make and keep records of all cases brought before it pursuant to this chapter. The court shall preserve the records pertaining to a child charged with committing a delinquent act or violation of law until ~~the child he reaches 25 19 years of age or reaches 21 years of age if he is a serious or habitual delinquent child, until 5 years after the last entry was made, or until 3 years after the death of the child, whichever is earlier, and may then destroy them, except that records made of traffic offenses in which there is no allegation of delinquency may be destroyed as soon as this can be reasonably accomplished.~~ The court shall make official records, consisting of all petitions and orders filed in a case arising pursuant to this chapter and any other pleadings, certificates, proofs of publication, summonses, warrants, and writs which may be filed therein.

(4) The clerk shall keep all official records required by this section separate from other records of the circuit court, except those records pertaining to motor vehicle violations, which shall be forwarded to the Department of Highway Safety and Motor Vehicles. *Except as provided in subsection (9), official records required with respect to a child in the juvenile justice system by this chapter shall not be open to inspection by the public, but may be inspected only upon order of the court by persons deemed by the court to have a proper interest therein, except that the a child and the parents, guardians, or legal or actual custodians of the child and their attorneys, law enforcement agencies, the department and its designees, the Parole Commission, and the Department of Corrections shall always have the right to inspect and copy any official record pertaining to the child. The court may permit authorized representatives of recognized organizations compiling statistics for proper purposes to inspect, and make abstracts from, official records under whatever conditions upon the use and disposition of such records the court may deem proper and may punish by contempt proceedings any violation of those conditions.*

(5) *Except as provided in subsections (3), and (8), and (9), records regarding children shall not be open to the public, and all information*

obtained under this chapter in the discharge of official duty by any judge, any employee of the court, any authorized agent of the department, the Parole Commission, the Commission on Juvenile Justice, the Department of Corrections, the juvenile delinquency and gang prevention councils, any law enforcement agent, or any licensed professional or licensed community agency representative participating in the assessment or treatment of a juvenile is confidential and may be disclosed only to the authorized personnel of the court, the department and its designees, the Department of Corrections, the Parole Commission, the Commission on Juvenile Justice, law enforcement agents, school superintendents and their designees, any licensed professional or licensed community agency representative participating in the assessment or treatment of a juvenile, and others entitled under this chapter to receive that information, or upon order of the court. *The deputy secretary or authorized agent may permit properly qualified persons to inspect and make abstracts from records for statistical purposes under whatever conditions upon their use and disposition the secretary or authorized agent deems proper, provided adequate assurances are given that children's names and other identifying information will not be disclosed by the applicant.*

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

(a) Orders and records relating to transferring a child prosecuted for trial as an adult are admissible in evidence in the court in which he is tried, but create no presumption as to the guilt of the child; nor may such orders be read to, or commented upon in the presence of, the jury in any trial.

(b) Orders binding an adult over for trial on a criminal charge, made by the judge as a committing magistrate, are admissible in evidence in the court to which the adult is bound over.

(c) Records of proceedings under this chapter forming a part of the record on appeal may be used in the appellate court as in the manner provided in s. 39.069(4).

(d) Records are admissible in evidence in any case in which a person is being tried upon a charge of having committed perjury, to the extent the such records are necessary to prove the charge.

(e) Records of proceedings under this part may be used to prove disqualification under pursuant to ss. 39.076, 110.1127, 393.0655, 394.457, 397.451, 402.305, 402.313, 409.175, and 409.176, and for proof in a chapter 120 proceeding under pursuant to ss. 415.103 and 415.504.

~~(8)(a) Records regarding children shall not be open to inspection by the public. Such records may be inspected only upon order of the secretary of the department or his authorized agent by persons who have sufficient reason and upon such conditions for their use and disposition as the secretary or his authorized agent deems proper. The information in such records may be disclosed only to other employees of the department who have a need therefor in order to perform their official duty; to other persons as authorized by rule of the department; and, upon request, to the Commission on Juvenile Justice and the Department of Corrections. The secretary or his authorized agent may permit properly qualified persons to inspect and make abstracts from records for statistical purposes under whatever conditions upon their use and disposition the secretary or his authorized agent deems proper, provided adequate assurances are given that children's names and other identifying information will not be disclosed by the applicant.~~

~~(b) The destruction of Records pertaining to children committed to or supervised by the department pursuant to a court order, which records are retained until a child reaches the age of 25 19 years may then be destroyed or until a serious or habitual delinquent child reaches the age of 21 years, shall be subject to the provisions of chapter 257.~~

~~(9) Any other provisions of this chapter to the contrary notwithstanding, A law enforcement agency shall make available to the public any release for publication the name and address of:~~

(a) A child taken into custody if the child is 14 16 years of age or older and has been taken into custody by a law enforcement officer for a violation of law which, if committed by an adult, would be a felony or a misdemeanor involving violence, or

(b) The name and address of a any child 14 16 years of age or older who has been found by a court to have committed at least three or more violations of law which, if committed by an adult, would be misdemeanors, or

(c) The name and address of a any child who has been adjudicated delinquent or had adjudication withheld for guilty of a capital felony, life felony, or first degree felony, or a second degree felony involving violence against a person.

In each such case, the law enforcement agency shall also make available for release for publication the child's photograph and the names and addresses of the child's natural, adoptive, or foster parents or legal guardians, whether custodial or noncustodial. If the child, at the time of commission of the offense, was in the custody of an agency or organization, that information must also be released for publication.

(10) This chapter does not prohibit the release of the juvenile offense report by a law enforcement agency to the victim of the offense. However, the name and address of the juvenile must be deleted from the report provided to the victim unless such information is otherwise public under subsection (9) or any other provision of law.

(11) Notwithstanding any other provision of this section, when a child of any age is taken into custody by a law enforcement officer for an offense that would have been a felony if committed by an adult, or a crime of violence, the law enforcement agency must notify the superintendent of schools that the child is alleged to have committed the delinquent act. Upon notification, the principal is authorized to begin disciplinary actions pursuant to s. 232.26. The information obtained by the superintendent of schools pursuant to this section must be released within 48 hours after receipt to appropriate school personnel, including the principal of the school of the child. The principal must immediately notify the child's immediate classroom teachers.

Section 23. For the purpose of incorporating the amendment to s. 39.045, Florida Statutes, in references thereto, the sections or subdivisions of Florida Statutes set forth below are reenacted to read:

39.039 Fingerprinting and photographing.—

(3) All law enforcement agencies and the Department of Law Enforcement shall use these fingerprint and photograph records only for identification purposes. If an identification is made, the Department of Law Enforcement shall advise the forwarding law enforcement agency of this fact and of the name and last known address of the child. Fingerprint and photograph records received pursuant to this section by the Department of Law Enforcement shall be retained and purged in the same manner as other information under s. 39.045(2). Records relating to children shall not be commingled with records of adult offenders.

39.058 Serious or habitual juvenile offender.—

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

(1) Assessment and treatment records are confidential as described in this paragraph and exempt from the provisions of s. 119.07(1). This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

1. The department shall have full access to the assessment and treatment records to ensure coordination of services to the child.

2. The principles of confidentiality of records as provided in s. 39.045 shall apply to the assessment and treatment records of serious or habitual juvenile offenders.

39.0582 Intensive residential treatment program for 10-13 year old offenders.—

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

(1) Assessment and treatment records are confidential as described in this paragraph and exempt from the provisions of s. 119.07(1). This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

1. The department shall have full access to the assessment and treatment records to ensure coordination of services to the child.

2. The principles of confidentiality of records as provided in s. 39.045 shall apply to the assessment and treatment records of children who are eligible for an intensive residential treatment program for 10-13 year old offenders.

Section 24. Paragraph (b) of subsection (1) and subsection (4) of section 39.047, Florida Statutes, are amended, and subsection (5) is added to said section, to read:

39.047 Intake and case management.—

(1)

(b) The case management system shall facilitate consistency in the recommended placement of each child, and in the assessment, classification, and placement process, with the following purposes:

1. An individualized, multidisciplinary assessment process that identifies the priority needs of each individual child for rehabilitation and treatment, *and any service needs evidenced by the parents, custodians, or guardians to enhance their ability to provide adequate support, guidance, and supervision.* This process shall begin with the detention risk assessment instrument and decision, shall include the intake preliminary screening and comprehensive assessment for substance abuse treatment services, mental health services, retardation services, literacy services, and other educational and treatment services as components, additional assessment of the child's treatment needs, and classification regarding the child's risks to the community and, for a serious or habitual delinquent child, shall include the assessment for placement in a serious or habitual delinquent children program pursuant to s. 39.058. The completed multidisciplinary assessment process shall result in the predisposition report.

2. A classification system that assigns a relative risk to the child and the community based upon assessments including the detention risk assessment results when available to classify the child's risk as it relates to placement and supervision alternatives.

3. An admissions process that facilitates for each child the utilization of the treatment plan and setting most appropriate to meet the child's programmatic needs and provide the minimum program security needed to ensure public safety.

(4) The intake counselor or case manager shall make a preliminary determination as to whether the report, affidavit, or complaint is complete, consulting with the state attorney as may be necessary. In any case where the intake counselor or case manager or the state attorney finds that the report, affidavit, or complaint is insufficient by the standards for a probable cause affidavit, the intake counselor or case manager or state attorney shall return the report, affidavit, or complaint, without delay, to the person or agency originating ~~the such~~ report, affidavit, or complaint or having knowledge of the facts or to the appropriate law enforcement agency having investigative jurisdiction of the offense, and shall request, and the person or agency shall promptly ~~thereafter~~ furnish, additional information in order to comply with the standards for a probable cause affidavit.

(a) If The intake counselor or case manager, *upon determining determines* that the report, affidavit, or complaint is complete, ~~he~~ may, in the case of a child who is alleged to have committed a delinquent act or violation of law, recommend that the state attorney file a petition of delinquency or an information or seek an indictment by the grand jury. However, such a recommendation ~~is shall~~ not be a prerequisite for any action taken by the state attorney.

(b) If The intake counselor or case manager, *upon determining determines* that the report, affidavit, or complaint is complete, pursuant to uniform procedures established by the department, ~~the intake counselor or case manager~~ shall:

1. When indicated by the preliminary screening, provide for a comprehensive assessment of the child and family for substance abuse problems, using community-based licensed programs with clinical expertise and experience in the assessment of substance abuse problems.

2. When indicated by the preliminary screening, provide for a comprehensive assessment of the child and family for mental health problems, using community-based psychologists, psychiatrists, or other licensed mental health professionals with clinical expertise and experience in the assessment of mental health problems.

When indicated by the comprehensive assessment, the department is authorized to contract within appropriated funds for services with a local nonprofit community mental health or substance abuse agency licensed or authorized under chapter 394, or chapter 397, or other authorized nonprofit social service agency providing related services. The determination

of mental health or substance abuse services shall be conducted in coordination with existing programs providing mental health or substance abuse services in conjunction with the intake office. Client information resulting from the screening and evaluation shall be documented pursuant to rules established by the department and shall serve to assist the intake counselor or case manager in providing the most appropriate services and recommendations in the least intrusive manner. Such client information shall be used in the multidisciplinary assessment and classification of the child, but such information, and any information obtained directly or indirectly through the assessment process, is inadmissible in court prior to the disposition hearing, unless the child's written consent is obtained. At the disposition hearing, documented client information shall serve to assist the court in making the most appropriate custody, adjudicatory, and dispositional decision. If the screening and assessment indicate that the interest of the child and the public will be best served thereby, the intake counselor or case manager, with the approval of the state attorney, may refer the child for care, diagnostic and evaluation services, substance abuse treatment services, mental health services, retardation services, a diversionary or arbitration or mediation program, community service work, or other programs or treatment services voluntarily accepted by the child and ~~the child's his~~ parents, *legal guardians*, or legal or *actual* custodians. The victim, if any, and the law enforcement agency which investigated the offense shall be notified immediately by the state attorney of the action taken ~~under pursuant to~~ this paragraph. Whenever a child volunteers to participate in any work program under ~~the provisions of~~ this chapter or volunteers to work in a specified state, county, municipal, or community service organization supervised work program or to work for the victim, ~~the such~~ child shall be considered an employee of the state for the purposes of liability. In determining the child's average weekly wage, unless otherwise determined by a specific funding program, all remuneration received from the employer is considered a gratuity, and the child is not entitled to any benefits otherwise payable under s. 440.15, regardless of whether the child may be receiving wages and remuneration from other employment with another employer and regardless of ~~the child's his~~ future wage-earning capacity.

(c) If The intake counselor or case manager, *upon determining determines* that the report, affidavit, or complaint complies with the standards of a probable cause affidavit and ~~that in his judgment~~ the interest of the child and the public will be best served, ~~he~~ may recommend that a delinquency petition not be filed. If such a recommendation is made, the intake counselor or case manager shall advise in writing the person or agency making the report, affidavit, or complaint, the victim, if any, and the law enforcement agency having investigative jurisdiction of the offense of the recommendation and the reasons therefor; and that the person or agency may submit, within 10 days after the receipt of such notice, the report, affidavit, or complaint to the state attorney for special review. The state attorney, upon receiving a request for special review, shall consider the facts presented by the report, affidavit, or complaint, and by the intake counselor or case manager who made the recommendation that no petition be filed, before making a final decision as to whether a petition or information should or should not be filed.

(d) In all cases in which the child is alleged to have committed a violation of law or delinquent act and is not detained, the intake counselor or case manager shall submit a written report to the state attorney, including the original report, complaint, or affidavit, or a copy thereof, *including a copy of the child's prior juvenile record*, within 20 days after the date the child is taken into custody. In cases in which the child is in detention, the intake office report ~~must shall~~ be submitted within 24 hours after the child is placed into detention. The intake office report ~~must shall~~ recommend *either* that a petition or information be filed or that no petition or information be filed, and ~~must it shall~~ set forth reasons for ~~the such~~ recommendation.

(e) The state attorney ~~may shall~~ in all cases ~~have the right to~~ take action *independent, regardless* of the action or lack of action of the intake counselor or case manager, and shall determine the action which is in the best interest of the public and the child. *If the child meets the criteria requiring prosecution as an adult, the state attorney shall request the court to transfer and certify the child for prosecution as an adult or shall provide written reasons for not making such request.* In all other cases, the state attorney may:

1. File a petition for dependency;
2. File a petition pursuant to part IV;
3. File a petition for delinquency;

4. File a petition for delinquency with a motion to transfer and certify the child pursuant to ~~ss. 39.022(5) and 39.052(2)~~ for prosecution as an adult;

~~5. With respect to any child who at the time of commission of the alleged offense was 16 or 17 years of age, file an information when in his judgment and discretion the public interest requires that adult sanctions be considered or imposed. However, the state attorney shall not file an information on a child charged with a misdemeanor, unless the child has had at least two previous adjudications or adjudications withheld for delinquent acts, one of which involved an offense classified under Florida law as a felony;~~

5.6. Refer the case to a grand jury;

6.7. Refer the child to a diversionary, pretrial intervention, arbitration, or mediation program, or to some other treatment or care program if such program commitment is voluntarily accepted by the child or the child's his parents or legal guardians; or

7.8. Decline to file ~~Dismiss the case.~~

(f) In cases in which a delinquency report, affidavit, or complaint is filed by a law enforcement agency and the state attorney determines not to file a petition, the state attorney shall advise the clerk of the circuit court in writing that no petition will be filed thereon.

(5) ~~Prior to requesting that a delinquency petition be filed or prior to filing a dependency petition himself or herself, the intake officer may request the parent or legal guardian of the child to attend a course of instruction in parenting skills, training in conflict resolution, and the practice of nonviolence to accept counseling, or to receive other assistance from any agency in the community which notifies the clerks of the circuit or county courts of the availability of its services. Where appropriate, the intake officer shall request both parents or guardians to receive such parental assistance. The intake officer may, in his or her determination as to whether to request that a delinquency petition be filed, take into consideration the willingness of the parent or legal guardian to comply with such request.~~

Section 25. Section 39.0471, Florida Statutes, is created to read:

39.0471 Juvenile justice assessment centers.—The department shall work cooperatively with substance abuse, mental health, law enforcement, schools, health services, and other entities involved with youth to establish a juvenile justice assessment center in each district. The assessment center shall serve as central intake and screening for youths referred to the department. Each juvenile justice assessment center shall provide such services as are needed to facilitate initial screening of youth including intake and needs assessment, substance abuse screening, physical and mental health screening, and diagnostic testing, as appropriate. The entities involved in the assessment center shall make the resources for the provision of these services available at the same level to which they are available to the general public.

Section 26. Paragraphs (c) and (d) of subsection (1) of section 39.0475, Florida Statutes, are amended to read:

39.0475 Delinquency pretrial intervention program.—

(1)

(c)1. If the court finds that the child has not successfully completed the delinquency pretrial intervention program, the court may order the child to continue in the education, and treatment, and urine monitoring program if resources and funding are available or order that the charges revert to normal channels for prosecution.

2. The court may dismiss the charges upon a finding that the child has successfully completed the delinquency pretrial intervention program.

(d) Any entity, whether public or private, providing a pretrial substance abuse education, and treatment intervention, and urine monitoring program under this section must contract with the county or appropriate governmental entity, and the terms of the contract must include, but need not be limited to, the requirements established for private entities under s. 948.15(2). It is the intent of the Legislature that public or private entities providing substance abuse education and treatment intervention programs involve the active participation of parents, schools, churches, businesses, law enforcement, and the department or its contract providers.

Section 27. Section 39.0476, Florida Statutes, is created to read:

39.0476 Powers with respect to certain children.—In carrying out the provisions of this chapter, the court may order the natural parents or legal guardian of a child adjudicated a dependent, a child in need of services, or a delinquent to attend a course of instruction in parenting skills, to accept counseling, or to receive other assistance from any agency in the community which notifies the clerks of the circuit or county courts of the availability of its services. Where appropriate, the court shall order both parents or guardians to receive such parental assistance.

Section 28. Subsections (4), (5), (6), and (7) of section 39.049, Florida Statutes, are amended to read:

39.049 Process and service.—

(4) The summons shall be directed to, and shall be served upon, the following persons:

(a) The child, in the same manner as if he were an adult.;

(b) The child's natural, adoptive, or foster parents, whether custodial or noncustodial. ~~;~~ and

(c) Any legal custodians, actual custodians, guardians, and guardians ad litem of the child.

(5) If the petition alleges that the child has committed a delinquent act or violation of law and the judge deems it advisable ~~under 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.

(6) If the identity or residence of any of the child's natural, adoptive, or foster parents, legal or actual custodians, or legal guardians of the child is unknown after a diligent search and inquiry, or if any of the child's natural, adoptive, or foster parents, legal or actual custodians, or legal guardians are residents of a state other than Florida, or ~~if the parents, custodians, or guardians evade service or ignore a summons,~~ the person who made the search and inquiry shall file in the case a certificate of those facts, and the court shall appoint a guardian ad litem for the child, if appropriate. ~~If any of the child's natural, adoptive, or foster parents, whether custodial or noncustodial, legal guardians, or legal or actual custodians evade service or ignore a summons, the court may order such person to be taken into custody immediately to show cause why the person should not be held in contempt.~~

(7) The jurisdiction of the court shall attach to the child, the child's natural, adoptive, or foster parents, whether custodial or noncustodial, or the child's legal guardians or legal or actual custodians, and the case when the summons is served upon the child and such person a parent or legal or actual custodian or guardian of the child, or when the child is taken into custody with or without service of summons and before or after the filing of a petition, whichever first occurs, and thereafter the court may control the child, the child's natural, adoptive, or foster parents, whether custodial or noncustodial, or the child's legal guardians or legal or actual custodians, and the case in accordance with this chapter.

Section 29. Section 39.0495, Florida Statutes, is created to read:

39.0495 Parental attendance at court proceedings; contempt sanctions against employers.—

(1) A parent, custodian, or guardian who is summoned or otherwise obligated to appear for a hearing before the court under any proceeding arising under part II or part IV regarding a child's alleged delinquent act or violation of law may not be dismissed from employment, threatened with dismissal, or otherwise harassed by an employer or employer's agent because the parent, custodian, or guardian attended the hearing or other proceeding as required by law.

(2) Dismissal from employment, threat of dismissal, or other harassment of a parent, custodian, or guardian in violation of subsection (1) may be deemed a civil contempt of the court in which the case is pending, subjecting the violator to appropriate sanctions by the court.

Section 30. Subsections (1) and (2), and paragraphs (c) and (i) of subsection (3) of section 39.052, Florida Statutes, are amended to read:

39.052 Hearings.—

(1) ADJUDICATORY HEARING.—

(a) The adjudicatory hearing ~~must 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) apply. The right to a speedy trial is governed by the provisions of s. 39.048(6), but ~~this such~~ right may be voluntarily waived by the child in accordance with the Florida Rules of Juvenile Procedure.

(b) Adjudicatory hearings shall be conducted without a jury by the court, applying in delinquency cases the rules of evidence in use in ~~this state in~~ criminal cases; adjourning the hearings from time to time as necessary; and conducting a fundamentally fair hearing in language understandable, to the fullest extent practicable, to the child before the court.

1. In a hearing on a petition alleging that a child has committed a delinquent act or violation of law, the evidence must establish ~~the such~~ findings beyond a reasonable doubt.

2. The child is entitled to the opportunity to introduce evidence and otherwise be heard in ~~the child's his~~ own behalf and to cross-examine witnesses.

3. A child charged with a delinquent act or violation of law ~~must be afforded all rights against self-incrimination need not be a witness against or otherwise incriminate himself.~~ Evidence illegally seized or obtained ~~may shall~~ not be received to establish the allegations against ~~the child him~~.

(c) All hearings, except as ~~hereinafter~~ provided in ~~this section~~, ~~must shall~~ be open to the public, and no person ~~may shall~~ be excluded ~~therefrom~~ except on special order of the court. The court, in its discretion, may close any hearing to the public when the public interest and the welfare of the child are best served by so doing. Hearings involving more than one child may be held simultaneously when the children were involved in the same transactions.

(2) WAIVER HEARING.—

(a)1. Within 7 days, excluding Saturdays, Sundays, and legal holidays, after the date a petition alleging that a child has committed a delinquent act or violation of law has been filed, or later with the approval of the court, ~~but which shall also be~~ before an adjudicatory hearing, and after considering the recommendation of the intake counselor or case manager, the state attorney may file a motion requesting the court to transfer the child for criminal prosecution ~~if the child was 14 or more years of age at the time of commission of the alleged delinquent act or violation of law for which he is charged. If the child has been previously adjudicated delinquent for murder, sexual battery, armed or strong-armed robbery, carjacking, home invasion robbery, aggravated battery, or aggravated assault, and is currently charged with a second or subsequent violent crime against a person, the state attorney shall file a motion requesting the court to transfer the child for criminal prosecution or, if the child was 16 or 17 years of age at the time of commission of the alleged offense, shall file an information pursuant to s. 39.047(4)(c)5, if applicable.~~

(b) ~~After Following~~ the filing of the motion of the state attorney, summonses ~~must shall~~ be issued and served in conformity with ~~the provisions of~~ s. 39.049. A copy of the motion and a copy of the delinquency petition, if not already served, ~~must shall~~ be attached to each summons.

(c) The court shall conduct a hearing on all ~~such~~ motions ~~made under paragraph (a)~~ for the purpose of determining whether a child should be transferred. In making its determination, the court shall consider:

1. The seriousness of the alleged offense to the community and whether the protection of the community is best served by transferring the child for adult sanctions.

2. Whether the alleged offense was committed in an aggressive, violent, premeditated, or willful manner.

3. Whether the alleged offense was against persons or against property, greater weight being given to offenses against persons, especially if personal injury resulted.

4. ~~The probable cause as found in prosecutive merits~~ of the report, affidavit, or complaint.

5. The desirability of trial and disposition of the entire offense in one court when the child's associates in the alleged crime are adults or children who are to be tried as adults.

6. The sophistication and maturity of the child.

7. The record and previous history of the child, including:

a. Previous contacts with the department, ~~the Department of Corrections, the Department of Health and Rehabilitative Services~~, other law enforcement agencies, and courts;

b. Prior periods of probation or community control;

c. Prior adjudications that the child committed a delinquent act or violation of law, greater weight being given if the child has previously been found by a court to have committed a delinquent act or violation of law involving an offense classified as a felony or has twice previously been found to have committed a delinquent act or violation of law involving an offense classified as a misdemeanor; and

d. Prior commitments to institutions.

8. The prospects for adequate protection of the public and the likelihood of reasonable rehabilitation of the child, if ~~the child he~~ is found to have committed the alleged offense, by the use of procedures, services, and facilities currently available to the court.

(d) Prior to a hearing on the motion by the state attorney, a study and report to the court, relevant to the factors in paragraph (c) ~~must, shall~~ be made in writing by an authorized agent of the department. The child and ~~the child's natural, adoptive, or foster his~~ parents, ~~whether custodial or noncustodial, or the child's legal guardians or legal or actual custodians~~ and counsel and the state attorney shall have the right to examine these reports and to question the parties responsible for them at the hearing.

(e) Any decision to transfer a child for criminal prosecution ~~must shall~~ be in writing and ~~shall~~ include consideration of, and findings of fact with respect to, all criteria in paragraph (c). The court shall render an order including a specific finding of fact and the reasons for a decision to impose adult sanctions. The order shall be reviewable on appeal ~~under pursuant to~~ s. 39.069 and the Florida Rules of Appellate Procedure.

(3) DISPOSITION HEARING FOR DELINQUENCY CASES.—
When a child has been found to have committed a delinquent act, the following procedures shall be applicable to the disposition of the case:

(c) Before the court determines and announces the disposition to be imposed, it shall:

1. State clearly, using common terminology, the purpose of the hearing and the right of persons present as parties to comment at the appropriate time on the issues before the court;

2. Discuss with the child ~~the child's his~~ compliance with any home release plan or other plan imposed since the date of the offense;

3. Discuss with the child ~~the child's his~~ feelings about the offense he has committed, the harm caused to the victim or others, and what penalty he should be required to pay for ~~the such~~ transgression; and

4. Give all parties present at the hearing an opportunity to comment on the issue of disposition and any proposed rehabilitative plan. Parties to the case shall include ~~the child's natural, adoptive, or foster parents, whether custodial or noncustodial, or the child's legal or actual custodians, or legal guardians of the child; the child's counsel; the state attorney; representatives of the department; the victim if any, or the victim's his representative; representatives of the school system; and the law enforcement officers involved in the case.~~

(i) The court shall notify any victim of the offense, if ~~the victim such person~~ is known and within the jurisdiction of the court, of the hearing and shall notify and summon or subpoena, if necessary, ~~the child's natural, adoptive, or foster parents, whether custodial or noncustodial, or the child's legal or actual custodians, or legal guardians of the child~~ to attend the disposition hearing ~~if they reside in the state~~.

Section 31. Subsections (2) and (4) of section 39.053, Florida Statutes, are amended to read:

39.053 Adjudication.—

(2) If the court finds that the child named in the petition has committed a delinquent act or violation of law, it may, in its discretion, enter an order stating the facts upon which its finding is based but withholding adjudication of delinquency and placing the child in a community control program under the supervision of the department or under the supervision of any other person or agency specifically authorized and appointed by the court. The court may, as a condition of the program, impose as a penalty component restitution in money or in kind, community service, a curfew, *urine monitoring*, revocation or suspension of the driver's license of the child, or other nonresidential punishment appropriate to the offense, and may impose as a rehabilitative component a requirement of participation in substance abuse treatment, or school or other educational program attendance. If the court later finds that the child has not complied with the rules, restrictions, or conditions of the community-based program, the court may, after a hearing to establish the lack of compliance, but without further evidence of the state of delinquency, enter an adjudication of delinquency and shall thereafter have full authority under this chapter to deal with the child as adjudicated.

(4) Except as the term "conviction" is used in chapter 322, and except for use in a subsequent proceeding under this chapter, an adjudication of delinquency by a court with respect to any child who has committed a delinquent act or violation of law shall not be deemed a conviction; nor shall the child be deemed to have been found guilty or to be a criminal by reason of that adjudication; nor shall that adjudication operate to impose upon the child any of the civil disabilities ordinarily imposed by or resulting from conviction or to disqualify or prejudice the child in any civil service application or appointment, with the exception of the use of records of proceedings under this part as provided in s. 39.045(7)(e). *The term "conviction," with respect to traffic violations in any proceeding before a court with jurisdiction over traffic violations, shall not be deemed a conviction as to those defined as minors under s. 316.635, for purposes of s. 39.0587.*

Section 32. Subsections (1), (2), (3), (4), and (5) of section 39.054, Florida Statutes, are amended, and new subsections (10) and (11) are added to said section, to read:

39.054 Powers of disposition.—

(1) The court ~~with which has~~ jurisdiction of an adjudicated delinquent child ~~may 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) 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 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 also include a rehabilitative program component such as a requirement of participation in substance abuse treatment or in school or ~~another~~ educational program.

1. 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 a ~~any other~~ person or an agency specifically authorized by the court. These programs must include, but are not limited to, structured or restricted activities as described in this paragraph, and ~~must shall~~ be designed to encourage the child toward acceptable and functional social behavior. If supervision or a program of community service is ordered by the court, the duration of such supervision or program must be consistent with ~~any~~ treatment and rehabilitation needs identified for the child and may not exceed the term for which sentence could be imposed if the child were committed for the offense, ~~except that is or is equivalent to a misdemeanor of the second degree may be for a period not to exceed 6 months.~~ When restitution is ordered by the court, the amount of restitution shall not exceed an amount the child and ~~the child's natural, adoptive, or foster his~~ parents, ~~whether custodial or noncustodial, or legal guardians or legal or actual custodians~~ could reasonably be expected to pay or make. A child who participates in any work program under ~~the provisions of~~ this chapter shall be considered an employee of the state for purposes of liability, unless otherwise provided by law.

2. 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.

3. 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 ~~violating that he has violated~~ the conditions of ~~the his~~ program, the court shall give ~~the child him~~ an opportunity to be heard in person or through counsel, or both. Upon ~~the child's his~~ admission or after ~~the 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 ~~may shall have full power~~ at that time ~~to make any disposition it could have made at the original disposition hearing.~~

4. 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 be until ~~the child's his~~ 19th birthday unless ~~the child he~~ is 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 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 be for the purpose of exercising active control over the child, including, but not limited to, custody, care, training, *urine monitoring*, 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 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 ~~and, if the court finds it appropriate, the child's natural, adoptive, or foster parents, whether custodial or noncustodial, or legal guardians or legal or actual custodians, together with 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 ~~and, if the court finds it appropriate, the child's natural, adoptive, or foster parents, whether custodial or noncustodial, or legal guardians or legal or actual custodians, together with 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, ~~including, but not limited to, a promissory note.~~ The clerk of the circuit court shall be the receiving and dispensing agent. In such case, the court shall order ~~payment the child or parent to pay~~ to the office of the clerk of the circuit court in 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 ~~child's natural, adoptive, or foster parent, whether custodial or noncustodial, or a child's legal guardian or legal or actual custodian~~ under this paragraph ~~may shall~~ not exceed \$2,500 for any one criminal episode. A finding by the court, after a hearing, that ~~the child's natural, adoptive, or foster parent, whether custodial or noncustodial, or a child's legal guardian or legal or actual custodian~~ has made diligent good faith efforts to prevent the child from engaging in delinquent acts ~~absolves such person shall absolve the parent~~ of liability for restitution under this paragraph.

(g) Order the child ~~and, if the court finds it appropriate, the child's natural, adoptive, or foster parents, whether custodial or noncustodial, or legal guardians or legal or actual custodians~~ 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 ~~a the~~ child ~~who meets the criteria~~ to the department for placement in a serious or habitual delinquent children program or facility in accordance with s. 39.0582 or s. 39.058. Any commitment of a child to ~~such a program or facility for serious or habitual delinquent children~~

shall be for an indeterminate period of time, but the time shall not exceed the maximum term of imprisonment which an adult may serve for the same offense. The court may retain jurisdiction over the such child until the child reaches the age of 19 21, specifically for the purpose of the child completing the program.

(2) When any child is adjudicated by the court to have committed a delinquent act and temporary legal custody of the child has been placed with a licensed child-caring agency or the department, the court shall order the natural, or adoptive, or foster parents of the such child, whether custodial or noncustodial, or the legal guardians or legal or actual custodians ~~the natural father of such child born out of wedlock who has acknowledged his paternity in writing before the court, or the guardian of the such child's estate, if possessed of assets which under law may be disbursed for the care, support, and maintenance of the child, to pay fees to the licensed child-caring agency or the department. When the order affects the guardianship estate, a certified copy of the order must shall be delivered to the judge who has having jurisdiction of the guardianship estate.~~

(3) Any order made under pursuant to subsection (1) may thereafter be modified or set aside by the court.

(4) Any commitment of a delinquent child to the department shall be for an indeterminate period of time, but the time shall not exceed the maximum term of imprisonment which an adult may serve for the same offense. Any child so committed may be discharged from institutional confinement or a program upon the direction of the department with the concurrence of the court. Notwithstanding the provisions of s. 743.07 and this subsection, and except as provided in s. 39.058, a ~~no~~ child may not shall be held under a commitment from a court under pursuant to this section after becoming 19 years of age. ~~The department shall give the court which committed the child to the department reasonable notice, in writing, of its desire to discharge the child from a commitment to the department. The court which committed the child may thereafter accept or reject the request. If the court does not respond within 10 days after receipt of the notice, the request of the department shall be deemed granted.~~

(5) In carrying out the provisions of this chapter, the court may order the natural, adoptive, or foster parents, whether custodial or noncustodial, or the legal or actual custodian or legal guardian of a child who is found to have committed a delinquent act to participate in family counseling, parenting classes, or and other professional counseling activities deemed necessary for the rehabilitation of the child or the enhancement of the custodian's or guardian's ability to provide the child with adequate support, guidance, and supervision. The court may also order the parents, custodian, or guardian to support and participate in the child's fulfillment of court-imposed sanctions. Further, the court may use its contempt powers to enforce such orders.

(10) Before the department effects any significant change in a child's status with respect to a commitment program, the deputy secretary shall give the court which committed the child to the department reasonable notice, in the form of a written motion for review, of the desire to modify the child's program status. The court which committed the child may thereafter approve or disapprove the request to change the child's program status. If the court does not grant the motion, the request shall be deemed denied.

(11) Before any juvenile offender is released from departmental supervision or commitment, the Deputy Secretary for Juvenile Justice shall provide the court having jurisdiction over the child and the state attorney with reasonable notice, in the form of a written motion for review, of the child's pending change in status. The judge must approve the release before a child may be put on release status, and the child must complete an exit interview with the judge before going on release status.

Section 33. Subsection (4) is added to section 39.067, Florida Statutes, to read:

39.067 Furlough and intensive aftercare.—

(4) It is the legislative intent that, to prevent recidivism of juvenile offenders, reentry and aftercare services be provided statewide to all youths returning to their communities from residential commitment programs, especially those youths returning from level VI, level VIII or level X programs. Accordingly, the Legislature further intends that reentry and aftercare services be included in the continuum of care for each residential program.

Section 34. Section 39.0645, Florida Statutes, is created to read:

39.0645 Notice to court of absconders and escapees.—The Deputy Secretary for Juvenile Justice shall give notice to the court, in the form of a motion for emergency review or as otherwise provided by law, when the department has reasonable grounds to believe that a child under the jurisdiction of the court:

(1) Has escaped or absconded from a facility or program, either pending adjudication, disposition, or placement, or after the child has been detained or placed in the facility or program. As used here, the term "facility or program" includes, but is not limited to, a secure or nonsecure detention facility maintained for the temporary care of children; a low, moderate, or high risk residential correctional facility; a treatment facility; a commitment program, community control program, or furlough program; or a home supervision program or aftercare supervision program.

(2) Is wanted in another jurisdiction for an offense which, if committed by an adult, would be a felony.

The Deputy Secretary for Juvenile Justice shall inform the court as soon as possible of the child's circumstances as described in subsection (1) or subsection (2), regardless of whether the child has been detained pursuant to s. 39.044(2)(a).

Section 35. Section 39.057, Florida Statutes, is amended to read:

39.057 Boot camp for juvenile offenders ~~children~~.—

(1) Contingent upon specific appropriation, the Deputy Secretary for Juvenile Justice ~~department~~ shall implement and operate a boot camp program to provide an intensive educational and physical training and rehabilitative program for appropriate juvenile offenders ~~children~~.

(2) Contingent upon local funding, a county or municipal government may implement and operate a boot camp program to provide an intensive educational and physical training and rehabilitative program for appropriate juvenile offenders ~~children~~.

(3)(a) A juvenile offender ~~child~~ may be placed in a level VI or higher boot camp program if he or she is at least 14 years of age but less than 18 years of age at the time of adjudication and has been committed to the department for:

1. ~~(a)~~ A capital, life, first degree, or second degree felony; or

2. ~~(b)~~ A third degree felony with two or more prior felony adjudications, of which one or more resulted in a residential commitment as defined in s. 39.01(61).

(b) A juvenile offender may be placed in a level II or level IV boot camp program if he or she is at least 14 years of age but less than 18 years of age at the time of adjudication and has been committed to the department for any felony or violent misdemeanor offense.

(4) The Deputy Secretary for Juvenile Justice ~~department~~, county, or municipality operating the boot camp program shall screen juvenile offenders ~~children~~ sent to the boot camp program, so that only those juvenile offenders ~~children~~ who have medical and psychological profiles conducive to successfully completing an intensive work, educational, and disciplinary program may be admitted to the program. The Deputy Secretary for Juvenile Justice ~~department~~ shall adopt rules for use by the Deputy Secretary for Juvenile Justice ~~department~~, county, or municipality operating the boot camp program for screening such admissions.

(5) The program shall include educational assignments, work assignments, and physical training exercises. Juvenile offenders ~~Children~~ shall be required to participate in educational, vocational, and substance abuse programs and to receive additional training in techniques of appropriate decisionmaking, as well as in life skills and job skills. The program shall include counseling that is directed at replacing the criminal thinking, beliefs, and values of the juvenile offender with ethical and socially responsible thinking, beliefs, and values.

(6)(a) Based on the restrictiveness level of the juvenile offender, boot camp programs operated by the Deputy Secretary for Juvenile Justice ~~department~~, county, or municipality must, at minimum, be of the following duration:

1. Level II (minimum risk nonresidential) — 30 days.

2. Level IV (low risk residential) — 60 days.

3. Level VI (moderate risk residential) — 4 months.
4. Level VIII (high risk residential) — 6 months.
5. Level X (maximum risk residential) — 8 months.

(b) *Boot camp programs operated by the Deputy Secretary for Juvenile Justice, county, or municipality must have an aftercare and reentry component which monitors and assists the release of boot camp participants into the community. The aftercare and reentry component shall be a program of not less than equal duration to the juvenile offender's boot camp participation. The department shall provide an aftercare component for monitoring and assisting the release of department, county, or municipal program participants into the community.*

(7) The Deputy Secretary for Juvenile Justice department shall adopt rules for use by the department, county, or municipality operating the boot camp program for the program and aftercare which provide for at least 60 days 6 months of participation in both the boot camp program and the aftercare and reentry component the program and aftercare for successful completion and which also provide disciplinary sanctions and restrictions on the privileges of the general population of juvenile offenders children in the program.

(8) The Deputy Secretary for Juvenile Justice department is required to conduct quarterly inspections and evaluations of each county or municipal government boot camp program to determine whether the program complies with department rules for continued operation of the program. The Deputy Secretary for Juvenile Justice department shall charge, and the county or municipal government shall pay, a monitoring fee equal to 0.5 percent of the direct operating costs of the boot camp program. The operation of a boot camp program which fails to pass the department's quarterly inspection and evaluation, if the deficiency causing the failure is material, must be terminated if such deficiency is not corrected by the next quarterly inspection, and the Deputy Secretary for Juvenile Justice, with the advice and consent of the district juvenile justice board, shall select a new agent or provider within the district to operate the boot camp program.

(9) The department shall keep records and monitor criminal activity, educational progress, and employment placement of all juvenile offenders who participate in a boot camp program participants in department, county, and municipal boot camp programs after their release from the program. The Commission on Juvenile Justice or the Governor's Inspector General department must publish an outcome evaluation study of each boot camp program within 18 months after the program becomes operational, which includes a comparison of criminal activity, educational progress, and employment placements of juvenile offenders children completing the program with the criminal activity, educational progress, and employment records of juvenile offenders children completing other types of programs.

(10) A juvenile offender child in any boot camp program who becomes unmanageable or medically or psychologically ineligible must be removed from the program.

(11)(a) The department may contract with private organizations for the operation of its boot camp program and aftercare and reentry component.

(b) A county or municipality may contract with private organizations for the operation of its boot camp program and aftercare and reentry component.

(12)(a) The department shall either establish criteria for training all contract staff or provide a special training program for department, county, and municipal boot camp program staff, which shall include appropriate methods of dealing with juvenile offenders children who have been placed in such a stringent program.

(b) *Administrative staff must successfully complete not less than 120 contact-hours of training. Staff who have direct contact with children must successfully complete not less than 200 contact-hours of training, which must include training in the counseling techniques that are used in the boot camp program, basic cardiopulmonary resuscitation and choke-relief, and the control of aggression.*

(c) *All training courses must be taught by persons who are certified as instructors by the Juvenile Justice Standards and Training Commission and who have prior experience in a juvenile boot camp program. A training course in counseling techniques need not be taught by a certified instructor but must be taught by a person who has at least a bachelor's degree in social work, counseling, psychology, or a related field.*

(d) *A person may not have direct contact with a child in the boot camp program until successful completion of the training requirements specified in paragraph (b), unless under the direct supervision of a certified drill instructor or camp commander.*

(13)(a) The department may institute injunctive proceedings in a court of competent jurisdiction against a county or a municipality to:

1. Enforce the provisions of this chapter or a minimum standard, rule, regulation, or order issued or entered pursuant thereto; or
2. Terminate the operation of a facility operated pursuant to this section.

(b) The department may institute proceedings against a county or a municipality to terminate the operation of a facility when any of the following conditions exist:

1. The facility fails to take preventive or corrective measures in accordance with any order of the department.
 2. The facility fails to abide by any final order of the department once it has become effective and binding.
 3. The facility commits any violation of this section constituting an emergency requiring immediate action as provided in this chapter.
 4. The facility has willfully and knowingly refused to comply with the screening requirement for personnel pursuant to s. 39.001 or has refused to dismiss personnel found to be in noncompliance with the requirements for good moral character.
- (c) Injunctive relief may include temporary and permanent injunctions.

Section 36. Section 39.058, Florida Statutes, is amended to read:

39.058 Serious or habitual juvenile offender program.—

(1) ASSESSMENT AND TREATMENT SERVICES.—Pursuant to the provisions of this chapter and the establishment of appropriate program guidelines and standards, contractual instruments, which shall include safeguards of all constitutional rights, shall be developed as follows:

(a) The department shall provide for:

1. The oversight of implementation of assessment and treatment approaches.
2. The identification and prequalification of appropriate individuals or not-for-profit organizations, including minority individuals or organizations when possible, to provide assessment and treatment services to serious or habitual delinquent children.
3. The monitoring and evaluation of assessment and treatment services for compliance with the provisions of this chapter and all applicable rules and guidelines pursuant thereto.
4. The development of an annual report on the performance of assessment and treatment to be presented to the Governor, the Attorney General, the President of the Senate, the Speaker of the House of Representatives, and the Auditor General no later than January 1 of each year.

(b) Assessment shall generally comprise the first 30 days of treatment and be provided by the same provider as treatment, but assessment and treatment services may be provided by separate providers, where warranted. Providers shall be selected who have the capacity to assess and treat the unique problems presented by children with different racial and ethnic backgrounds. The department shall retain contractual authority to reject any assessment or treatment provider for lack of qualification.

(2) SERIOUS OR HABITUAL JUVENILE OFFENDER PROGRAM.—

(a) There is created the serious or habitual juvenile offender program. The program shall combine 9 to 12 months of intensive secure residential treatment followed by a minimum of 9 months of aftercare. The components of the program shall include, but not be limited to:

1. Diagnostic evaluation services.
2. Appropriate treatment modalities, including substance abuse intervention, mental health services, and sexual behavior dysfunction interventions and gang-related behavior interventions.

3. Prevocational and vocational services.
4. Job training, job placement, and employability skills training.
5. Case management services.
6. Educational services, including special education and pre-GED literacy.
7. Self-sufficiency planning.
8. Independent living skills.
9. Parenting skills.
10. Recreational and leisure time activities.
11. Community involvement opportunities commencing, where appropriate, with the direct and timely payment of restitution to the victim.
12. Intensive aftercare.
13. Graduated reentry into the community.
14. A diversity of forms of individual and family treatment appropriate to and consistent with the child's needs.
15. Consistent and clear consequences for misconduct.

(b) The department is authorized to contract with private companies to provide some or all of the components indicated in paragraph (a).

(c) The department shall involve local law enforcement agencies, the judiciary, school board personnel, the office of the state attorney, the office of the public defender, and community service agencies interested in or currently working with juveniles, in planning and developing this program.

(d) The department is authorized to accept funds or in-kind contributions from public or private sources to be used for the purposes of this section.

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

(a) Assessment and treatment shall be conducted by treatment professionals with expertise in specific treatment procedures, which professionals shall exercise all professional judgment independently of the department.

(b) Treatment provided to children in designated facilities shall be suited to the assessed needs of each individual child and shall be administered safely and humanely, with respect for human dignity.

(c) The department may promulgate rules for the implementation and operation of programs and facilities for *children meeting the serious or habitual juvenile offender criteria offenders*.

(d) Any provider who acts in good faith is immune from civil or criminal liability for his actions in connection with the assessment, treatment, or transportation of a *child committed to a serious or habitual juvenile offender program* under the provisions of this chapter.

(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 *program* 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.

(f) After a child has been transferred for criminal prosecution, a circuit court judge may direct an intake counselor or case manager to consult with designated staff from an appropriate serious or habitual juvenile offender program for the purpose of making recommendations to the court regarding the child's placement in such program.

(g) Recommendations as to a child's placement in a serious or habitual juvenile offender program shall be presented to the court within 72 hours after the adjudication or conviction, and may be based on a preliminary screening of the child at appropriate sites, considering the child's location while court action is pending, which may include the nearest regional detention center or facility or jail.

(h) Based on the recommendations of the multidisciplinary assessment, the intake counselor or case manager shall make the following recommendations to the court:

1. For each child who has not been transferred for criminal prosecution, the intake counselor or case manager shall recommend whether placement in such program is appropriate and needed.

2. For each child who has been transferred for criminal prosecution, the intake counselor or case manager shall recommend whether the most appropriate placement for the child is a juvenile justice system program, including a serious or habitual juvenile offender program or facility, or placement in the adult correctional system.

If treatment provided by a serious or habitual juvenile offender program or facility is determined to be appropriate and needed and placement is available, the intake counselor or case manager and the court shall identify the appropriate serious or habitual juvenile offender program or facility best suited to the needs of the child.

(i) The treatment and placement recommendations shall be submitted to the court for further action pursuant to this paragraph:

1. If it is recommended that placement in a serious or habitual juvenile offender program or facility is inappropriate, the court shall make an alternative disposition pursuant to s. 39.057 or other alternative sentencing as applicable, utilizing the recommendation as a guide.

2. If it is recommended that placement in a serious or habitual juvenile offender program or facility is appropriate, the court may commit the child to the department for placement in the restrictiveness level designated for serious or habitual delinquent children programs.

(j) The following provisions shall apply to children in serious or habitual juvenile offender programs and facilities:

1. A child shall begin participation in the reentry component of the program based upon a determination made by the treatment provider and approved by the department.

2. A child shall begin participation in the community supervision component of aftercare based upon a determination made by the treatment provider and approved by the department. The treatment provider shall give written notice of the determination to the circuit court having jurisdiction over the child. If the court does not respond with a written objection within 10 days, the child shall begin the aftercare component.

3. A child shall be discharged from the program based upon a determination made by the treatment provider with the approval of the department. *The court must either approve the discharge or require alternative placement.*

4. In situations where the department does not agree with the decision of the treatment provider, a reassessment shall be performed, and the department shall utilize the reassessment determination to resolve the disagreement and make a final decision.

(k) Any commitment of a child to the department for placement in a serious or habitual juvenile offender program or facility shall be for an indeterminate period of time, but the time shall not exceed the maximum term of imprisonment which an adult may serve for the same offense. Notwithstanding the provisions of ss. 39.054(4) and 743.07, a serious or habitual juvenile offender shall not be held under commitment from a court pursuant to this section, s. 39.054, or s. 39.059 after becoming 21 years of age. This provision shall apply only for the purpose of completing the serious or habitual juvenile offender program pursuant to this chapter and shall be used solely for the purpose of treatment.

(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 *children committed to a serious or habitual juvenile offender program 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.

(b) The department shall contract with multiple individuals or not-for-profit organizations to perform the assessments and treatment, and shall ensure that the staff of each provider are appropriately trained.

(c) Assessment and treatment providers shall have a written procedure developed, in consultation with licensed treatment professionals, establishing conditions under which a child's blood and urine samples will be tested for substance abuse indications. It is not unlawful for the person receiving the test results to divulge the test results to the relevant facility staff and department personnel. However, such information is exempt from the provisions of ss. 119.01 and 119.07(1).

(d) Serologic blood test and urinalysis results obtained pursuant to paragraph (c) are confidential, except that they may be shared with employees or officers of the department, the court, and any assessment or treatment provider and designated facility treating the child. No person to whom the results of a test have been disclosed under this section may disclose the test results to another person not authorized under this section.

(e) The results of any serologic blood or urine test on a *child committed to a serious or habitual juvenile offender program* shall become a part of that child's permanent medical file. Upon transfer of the child to any other designated treatment facility, such file shall be transferred in an envelope marked confidential. The results of any test designed to identify the human immunodeficiency virus, or its antigen or antibody, shall be accessible only to persons designated by rule of the department. The provisions of such rule shall be consistent with the guidelines established by the Centers for Disease Control.

(f) The exemptions in this section from public records requirements are subject to the Open Government Sunset Review Act in accordance with s. 119.14.

(g) A record of the assessment and treatment of each *child committed to a serious or habitual juvenile offender program* shall be maintained by the provider, which shall include data pertaining to the child's treatment and such other information as may be required under rules of the department. Unless waived by express and informed consent by the child or his guardian or, if the child is deceased, by the child's personal representative or by the person who stands next in line of intestate succession, the privileged and confidential status of the clinical assessment and treatment record shall not be lost by either authorized or unauthorized disclosure to any person, organization, or agency.

(h) The assessment and treatment record shall not be a public record, and no part of it shall be released, except that:

1. The record shall be released to such persons and agencies as are designated by the child or his guardian.

2. The record shall be released to persons authorized by order of court, excluding matters privileged by other provisions of law.

3. The record or any part thereof shall be disclosed to a qualified researcher, a staff member of the designated treatment facility, or an employee of the department when the administrator of the facility or the Secretary of Health and Rehabilitative Services deems it necessary for treatment of the child, maintenance of adequate records, compilation of treatment data, or evaluation of programs.

4. Information from the assessment and treatment record may be used for statistical and research purposes if the information is abstracted in such a way as to protect the identity of individuals.

(i) Notwithstanding other provisions of this section, the department may request, receive, and provide assessment and treatment information to facilitate treatment, rehabilitation, and continuity of care of any *child committed to a serious or habitual juvenile offender program* from any of the following:

1. The Social Security Administration and the United States Department of Veterans Affairs.

2. Law enforcement agencies, state attorneys, defense attorneys, and judges in regard to the child's status.

3. Personnel in any facility in which the child may be placed.

4. Community agencies and others expected to provide services to the child upon his return to the community.

(j) Any law enforcement agency, designated treatment facility, governmental or community agency, or other entity that receives information pursuant to this section shall maintain such information as a non-public record as otherwise provided herein.

(k) Any agency, not-for-profit organization, or treatment professional who acts in good faith in releasing information pursuant to this subsection shall not be subject to civil or criminal liability for such release.

(l) Assessment and treatment records are confidential as described in this paragraph and exempt from the provisions of s. 119.07(1). This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

1. The department shall have full access to the assessment and treatment records to ensure coordination of services to the child.

2. The principles of confidentiality of records as provided in s. 39.045 shall apply to the assessment and treatment records of *child committed to a serious or habitual juvenile offender program offenders*.

(m) For purposes of effective administration, accurate tracking and recordkeeping, and optimal treatment decisions, each assessment and treatment provider shall maintain a central identification file on *each child treated in a the serious or habitual juvenile offender program offenders it treats*.

(n) The file of each *child committed to a serious or habitual juvenile offender program* shall contain, but is not limited to, pertinent children-in-need-of-services and delinquency record information maintained by the department; pertinent school records information on behavior, attendance, and achievement; and pertinent information on delinquency or children in need of services maintained by law enforcement agencies and the state attorney.

(o) All providers under this section shall, as part of their contractual duties, collect, maintain, and report to the department all information necessary to comply with mandatory reporting pursuant to the promulgation of rules by the department for the implementation of serious or habitual juvenile offender programs and the monitoring and evaluation thereof.

(p) The department is responsible for the development and maintenance of a statewide automated tracking system for *children committed to a serious or habitual juvenile offender program offenders*.

(5) DESIGNATED TREATMENT FACILITIES.—

(a) Designated facilities shall be sited and constructed by the department, directly or by contract, pursuant to departmental rules, to ensure that facility design is compatible with treatment. The department is authorized to contract for the construction of the facilities and may also lease facilities. The number of beds per facility shall not exceed 25. An assessment of need for additional facilities shall be conducted prior to the siting or construction of more than one facility in any judicial circuit.

(b) Designated facilities for serious or habitual juvenile *offender programs offenders* shall be separate and secure facilities established under the authority of the department for the treatment of such children.

(c) Security for designated facilities for serious or habitual juvenile *offender programs offenders* shall be determined by the department. The department is authorized to contract for the provision of security.

(d) With respect to the treatment of *children committed to serious or habitual juvenile offender programs offenders* under this section, designated facilities shall be immune from liability for civil damages except in instances when the failure to act in good faith results in serious injury or death, in which case liability shall be governed by s. 768.28.

(e) Minimum standards and requirements for designated treatment facilities shall be contractually prescribed pursuant to subsection (1).

Section 37. Subsection (2) of section 39.0585, Florida Statutes, is amended to read:

39.0585 Information systems.—

(2)(a) Notwithstanding any provision of law to the contrary, confidentiality of records information does not apply to juveniles who have been arrested for an offense that would be a crime if committed by an adult four or more times, regarding the sharing of the information on the juvenile with the law enforcement agency or county 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. Upon consent of the child's parent or legal custodian, a public or private educational agency shall provide pertinent records to and cooperate with the law enforcement agency or county in providing needed information and developing the multiagency information sheet to the greatest extent possible. Neither these records provided to the law enforcement agency or county nor the records developed from these records for certain juvenile offenders nor the records provided or developed from records provided to the law enforcement agency or county on juveniles at risk of becoming juvenile offenders shall be available for public disclosure and inspection under s. 119.07.

(b) Each parent or legal guardian of a juvenile offender, and each agency responsible for or involved with a juvenile offender, is responsible for notifying the sheriffs of both the prior county of residence and the new county of residence immediately upon learning of the move or other relocation of the juvenile offender.

Section 38. Section 39.0587, Florida Statutes, is created to read:

39.0587 Transfer of a juvenile for prosecution as an adult.—

(1) The methods for transferring a juvenile for prosecution as an adult are as follows:

(a) REQUEST.—The court shall transfer and certify a juvenile's criminal case for trial as an adult if the juvenile is alleged to have committed a violation of law and, prior to the commencement of an adjudicatory hearing, the juvenile, joined by a parent or, in the absence of a parent, by the guardian or guardian ad litem, demands in writing to be tried as an adult. Once a juvenile has been transferred for criminal prosecution pursuant to a voluntary waiver hearing and has been found to have committed the presenting offense or a lesser included offense, the juvenile shall be handled thereafter in every respect as an adult for any subsequent violation of Florida law, unless the court imposes juvenile sanctions under s. 39.059(6).

(b) WAIVER.—

1. The state attorney may file a motion requesting the court to transfer the juvenile for criminal prosecution if the juvenile was 14 years of age or older at the time the alleged delinquent act or violation of law for which he or she is charged was committed. If the juvenile has been previously adjudicated delinquent for murder, sexual battery, armed or strong-armed robbery, carjacking, home-invasion robbery, aggravated battery, or aggravated assault, and is currently charged with a second or subsequent violent crime against a person, the state attorney shall file a motion requesting the court to transfer and certify the juvenile for prosecution as an adult, or proceed pursuant to paragraph (d).

2. If the juvenile was 14 years of age or older at the time of commission of a fourth or subsequent alleged felony offense and the juvenile was previously adjudicated delinquent or had adjudication withheld for or was found to have committed, or to have attempted or conspired to commit, three offenses that are felony offenses if committed by an adult, and one or more of such felony offenses involved the use or possession of a firearm or violence against a person, the state attorney shall request the court to transfer and certify the juvenile for prosecution as an adult or shall provide written reasons for not making such request, or proceed pursuant to paragraph (d). Upon the state attorney's request, the court shall either enter an order transferring the case and certifying the case for trial as if the juvenile were an adult or provide written reasons for not issuing such an order.

3. If the court finds, after a waiver hearing under s. 39.052(2), that a juvenile who was 14 years of age or older at the time the alleged violation of Florida law was committed should be charged and tried as an adult, the court may enter an order transferring the case and certifying the case for trial as if the juvenile were an adult. The juvenile shall thereafter be subject to prosecution, trial, and sentencing as if the juvenile were an adult but subject to the provisions of s. 39.059(7). Once a juvenile has been transferred for criminal prosecution pursuant to an involuntary waiver hearing and has been found to have committed the presenting

offense or a lesser included offense, the juvenile shall thereafter be handled in every respect as if he were an adult for any subsequent violation of Florida law, unless the court imposes juvenile sanctions under s. 39.059(6).

(c) INDICTMENT.—

1. A juvenile of any age charged with a violation of Florida law punishable by death or by life imprisonment is subject to the jurisdiction of the court as set forth in s. 39.049(7) unless and until an indictment on the charge is returned by the grand jury. When such indictment is returned, the petition for delinquency, if any, must be dismissed and the juvenile must be tried and handled in every respect as an adult:

- a. On the offense punishable by death or by life imprisonment; and
- b. On all other felonies or misdemeanors charged in the indictment which are based on the same act or transaction as the offense punishable by death or by life imprisonment or on one or more acts or transactions connected with the offense punishable by death or by life imprisonment.

2. An adjudicatory hearing may not be held until 21 days after the juvenile is taken into custody and charged with having committed an offense punishable by death or by life imprisonment, unless the state attorney advises the court in writing that he or she does not intend to present the case to the grand jury, or has presented the case to the grand jury and the grand jury has not returned an indictment. If the court receives such a notice from the state attorney, or if the grand jury fails to act within the 21-day period, the court may proceed as otherwise authorized under this chapter.

3. If the juvenile is found to have committed the offense punishable by death or by life imprisonment, the juvenile shall be sentenced as an adult. If the juvenile is not found to have committed the indictable offense but is found to have committed a lesser included offense or any other offense for which he or she was indicted as a part of the criminal episode, the court may sentence as follows:

- a. Pursuant to s. 39.059;
- b. Pursuant to chapter 958, notwithstanding any other provisions of that chapter to the contrary; or
- c. As an adult, pursuant to s. 39.059(7)(c).

4. Once a juvenile has been indicted pursuant to this subsection and has been found to have committed any offense for which he was indicted as a part of the criminal episode, the juvenile shall be handled thereafter in every respect as if an adult for any subsequent violation of Florida law, unless the court imposes juvenile sanctions under s. 39.059.

(d) INFORMATION.—

1. With respect to any juvenile who was 14 or 15 years of age at the time the alleged offense was committed, the state attorney may file an information when in the state attorney's judgment and discretion the public interest requires that adult sanctions be considered or imposed and when the offense charged is:

- a. Arson,
- b. Sexual battery,
- c. Robbery,
- d. Kidnapping,
- e. Aggravated child abuse,
- f. Aggravated assault,
- g. Aggravated stalking,
- h. Murder,
- i. Manslaughter,
- j. Unlawful throwing, placing, or discharging of a destructive device or bomb,
- k. Armed burglary,
- l. Aggravated battery,
- m. Lewd or lascivious assault or act in the presence of a child, or

n. Carrying, displaying, using, threatening, or attempting to use a weapon or firearm during the commission of a felony.

2. With respect to any juvenile who was 16 or 17 years of age at the time the alleged offense was committed, the state attorney:

a. May file an information when in the state attorney's judgment and discretion the public interest requires that adult sanctions be considered or imposed. However, the state attorney shall not file an information on a juvenile charged with a misdemeanor, unless the juvenile has had at least two previous adjudications or adjudications withheld for delinquent acts, one of which involved an offense classified as a felony under Florida law.

b. Shall file an information if the juvenile has been previously adjudicated delinquent for murder, sexual battery, armed or strong-armed robbery, carjacking, home-invasion robbery, aggravated battery, or aggravated assault, and is currently charged with a second or subsequent violent crime against a person.

3. Notwithstanding subparagraphs 1. and 2., regardless of the juvenile's age at the time the alleged offense was committed, the state attorney may file an information with respect to any juvenile who previously has been adjudicated for offenses which, if committed by an adult, would be felonies and such adjudications occurred at three or more separate delinquency adjudicatory hearings.

4. Once a juvenile has been transferred for criminal prosecution pursuant to information and has been found to have committed the presenting offense or a lesser included offense, the juvenile shall be handled thereafter in every respect as if an adult for any subsequent violation of Florida law, unless the court imposes juvenile sanctions under s. 39.059(6).

5. Each state attorney shall develop and annually update written policies and guidelines to govern determinations for filing an information on a juvenile, to be submitted to the Executive Office of the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Commission on Juvenile Justice not later than January 1 of each year.

(2) When a juvenile has been transferred for criminal prosecution as an adult and has been found to have committed a violation of Florida law, the disposition of the case may be made under s. 39.059 and may include the enforcement of any restitution ordered in any juvenile proceeding.

(3) Nothing in this part shall be deemed to deprive the court of any jurisdiction or relieve it of any duty conferred upon the court by law.

Section 39. Subsections (5) and (7) of section 39.059, Florida Statutes, are amended to read:

39.059 Community control or commitment of children prosecuted as adults.—

(5) When the court orders commitment of a child to the department for treatment in any of the department's programs for children, the court shall order the natural, or adoptive, or foster parents of the such child, whether custodial or noncustodial, or the child's legal guardians or legal or actual custodians the natural father of such child born out of wedlock who has acknowledged his paternity in writing before the court, or the guardian of the such child's estate, if possessed of assets which under law may be disbursed for the care, support, and maintenance of the child, to pay fees to the department. When the order affects the guardianship estate, a certified copy of the order shall be delivered to the judge who has having jurisdiction of the guardianship estate.

(7)(a) At the sentencing hearing the court shall receive and consider a presentence investigation report by the Department of Corrections regarding the suitability of the offender for disposition as an adult, a juvenile, or a youthful offender. The presentence investigation report shall include a comments section prepared by the Department of Juvenile Justice, with its recommendations as to disposition. This report requirement may be waived by the offender.

(b) After considering the presentence investigation report, the court shall give all parties present at the hearing an opportunity to comment on the issue of sentence and any proposed rehabilitative plan. Parties to the case shall include the parents, guardians, or legal custodian of the offender; the offender's counsel; the state attorney; representatives of the Department of Corrections and the Department of Juvenile Justice; the victim or victim's representative; representatives of the school system; and the law enforcement officers involved in the case.

(c) In determining whether to impose youthful offender or juvenile sanctions instead of adult sanctions, the court shall consider the following criteria:

1. The seriousness of the offense to the community and whether the community would best be protected by juvenile, youthful offender, or adult sanctions.

2. Whether the offense was committed in an aggressive, violent, premeditated, or willful manner.

3. Whether the offense was against persons or against property, with greater weight being given to offenses against persons, especially if personal injury resulted.

4. The sophistication and maturity of the offender.

5. The record and previous history of the offender, including:

a. Previous contacts with the Department of Corrections, the Department of Juvenile Justice, the Department of Health and Rehabilitative Services, other law enforcement agencies, and the courts.

b. Prior periods of probation or community control.

c. Prior adjudications that the offender committed a delinquent act or violation of law as a child.

d. Prior commitments to the Department of Juvenile Justice, the Department of Health and Rehabilitative Services, or other facilities or institutions.

6. The prospects for adequate protection of the public and the likelihood of deterrence and reasonable rehabilitation of the offender if assigned to services and facilities of the Department of Juvenile Justice.

7. Whether the Department of Juvenile Justice has appropriate programs, facilities, and services immediately available.

8. Whether youthful offender or adult sanctions would provide more appropriate punishment and deterrence to further violations of law than the imposition of juvenile sanctions.

(d) Any decision to impose adult sanctions shall be in writing, but shall be presumed appropriate, and the court is not required to set forth specific findings or enumerate the criteria in this subsection as any basis for its decision to impose adult sanctions.

(e) If the court determines not to impose youthful offender or adult sanctions, the court may order disposition pursuant to s. 39.054 as an alternative to youthful offender or adult sentencing.

(7) When a child has been transferred for criminal prosecution and the child has been found to have committed a violation of Florida law, the following procedure shall govern the disposition of the case:

(a) At the disposition hearing the court shall receive and consider a predisposition report by the department regarding the suitability of the child for disposition as a child.

(b) After considering the predisposition report, the court shall give all parties present at the hearing an opportunity to comment on the issue of sentence and any proposed rehabilitative plan. Parties to the case shall include the parents, guardians, or legal custodian of the child; the child's counsel; the state attorney; representatives of the department; any victim or his representative; representatives of the school system; and the law enforcement officers involved in the case.

(c) Suitability or nonsuitability for adult sanctions shall be determined by the court before any other determination of disposition. The suitability determination shall be made by reference to the following criteria:

1. The seriousness of the offense to the community and whether the protection of the community requires adult disposition.

2. Whether the offense was committed in an aggressive, violent, premeditated, or willful manner.

3. Whether the offense was against persons or against property, greater weight being given to offenses against persons, especially if personal injury resulted.

4. The sophistication and maturity of the child.

~~5. The record and previous history of the child, including:~~

- ~~a. Previous contacts with the department, the Department of Corrections, other law enforcement agencies, and courts;~~
- ~~b. Prior periods of probation or community control;~~
- ~~c. Prior adjudications that the child committed a delinquent act or violation of law; and~~
- ~~d. Prior commitments to institutions.~~

~~6. The prospects for adequate protection of the public and the likelihood of reasonable rehabilitation of the child if he is assigned to services and facilities for delinquent children.~~

~~(d) Any decision to impose adult sanctions shall be in writing and in conformity with each of the above criteria. The court shall render a specific finding of fact and the reasons for the decision to impose adult sanctions. Such order shall be reviewable on appeal by the child pursuant to s. 39.069.~~

~~(e) If the court determines not to impose adult sanctions, the court must next determine what juvenile sanctions it will impose. If the court determines not to adjudicate and commit to the department, the court shall then determine what community based penal sanctions it will impose in a community control program. Community based sanctions may include participation in substance abuse treatment, restitution in money or in kind, a curfew, revocation or suspension of the driver's license of the child, community or public service, required school or other educational program attendance, or other nonresidential punishment appropriate to the offense.~~

(f) After appropriate sanctions for the offense are determined, the court shall develop, approve, and order a plan of community control. The community control plan shall contain rules, requirements, conditions, and programs that are designed to encourage responsible and acceptable behavior, and to promote the rehabilitation of the child and the protection of the community.

(g) The court may receive and consider any other relevant and material evidence, including other reports, written or oral, in its effort to determine the action to be taken with regard to the child, and may rely upon such evidence to the extent of its probative value even if the evidence would not be competent in an adjudicatory hearing.

(h) The court shall notify any victim of the offense of the hearing and shall notify, or subpoena if appropriate necessary, the natural, adoptive, or foster parents, whether custodial or noncustodial, the legal guardians, or legal or actual custodians of the child to attend the disposition hearing if they reside in the state.

(i) Upon completion of the predisposition report, it must shall be made available to the child's counsel and the state attorney by the department prior to the disposition hearing.

It is the intent of the Legislature that the foregoing criteria and guidelines in this subsection are shall be deemed mandatory and that a determination of disposition under pursuant to this subsection is subject to the right of the child to appellate review under pursuant to s. 39.069.

Section 40. Section 39.061, Florida Statutes, is amended to read:

39.061 Escapes from secure detention or residential commitment facility.—An escape from any secure detention facility maintained for the temporary detention care of children, pending adjudication, disposition, or placement; or an escape from any moderate or high risk residential commitment facility defined in s. 39.01(61)(c) and (d), maintained for the custody, treatment, punishment, or rehabilitation of children found to have committed delinquent acts or violations of law; or an escape from lawful transportation thereto or therefrom constitutes escape within the intent and meaning of s. 944.40 and is a felony of in the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 41. Section 39.064, Florida Statutes, is amended 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 or from being lawfully transported thereto or therefrom, the such agent may take the 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, a no child may not 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.

(2) Any sheriff or other law enforcement officer, upon the request of the secretary of the department or his duly authorized agent, shall take a child who has escaped or absconded from a department facility for committed delinquent children, or from being lawfully transported thereto or therefrom, into custody and deliver the child to the appropriate intake counselor or case manager of the department.

Section 42. Subsection (1) of section 39.069, Florida Statutes, is amended to read:

39.069 Appeal.—

(1) An appeal from an order of the court affecting a party to a case involving a child under pursuant to this part may be taken to the appropriate district court of appeal within the time and in the manner prescribed by the Florida Rules of Appellate Procedure by:

(a) Any affected child, and any natural, adoptive, or foster parent, whether custodial or noncustodial, or legal guardian or legal or actual custodian of the any child.

(b) The state, which may appeal from:

1. An order dismissing a petition or any section of a petition thereof;
2. An order granting a new adjudicatory hearing;
3. An order arresting judgment;
4. A ruling on a question of law when the child is adjudicated delinquent and appeals from the judgment;
5. The disposition, on the ground that it is illegal;
6. A judgment discharging a child on habeas corpus;
7. An order adjudicating a child insane under the Florida Rules of Juvenile Procedure; and
8. All other preadjudicatory hearings, except that the state may not take more than one appeal under this subsection in any case.

In the case of an appeal by the state, the notice of appeal shall be filed by the appropriate state attorney or his authorized assistant under pursuant to the provisions of s. 27.18. Such an appeal shall embody all assignments of error in each preadjudicatory hearing order that the state seeks to have reviewed. The state shall pay all costs of the appeal except for the child's attorney's fee.

Section 43. Paragraph (i) is added to subsection (1) of section 48.193, Florida Statutes, to read:

48.193 Acts subjecting person to jurisdiction of courts of state.—

(1) Any person, whether or not a citizen or resident of this state, who personally or through an agent does any of the acts enumerated in this subsection thereby submits himself and, if he is a natural person, his personal representative to the jurisdiction of the courts of this state for any cause of action arising from the doing of any of the following acts:

(i) Having parental responsibility for a child who resides in this state, whether the parental responsibility is as a natural, an adoptive, or a foster parent, or a legal guardian, and whether custodial or noncustodial. As used in this paragraph, the term "parental responsibility" means legal responsibility by blood, marriage, or court order to support or care for the child.

Section 44. Paragraph (b) of subsection (10) of section 768.28, Florida Statutes, is amended, and a new subsection (11) is added to said section, to read:

768.28 Waiver of sovereign immunity in tort actions; recovery limits; limitation on attorney fees; statute of limitations; exclusions.—

(10)

(b) This subsection shall not be construed as designating persons providing contracted health care services to inmates as employees or agents of the state for the purposes of chapter 440.

(11)(a) Providers or vendors, or any of their employees or agents, that have contractually agreed to act on behalf of the state as agents of the Department of Juvenile Justice to provide services to children in need of services, families in need of services, and youthful or juvenile offenders, shall be considered agents of the State of Florida, Department of Health and Rehabilitative Services, for the purposes of this section, while acting within the scope of and pursuant to guidelines established in the contract or by rule. The contracts shall provide for the indemnification of the state by the agent for any liabilities incurred up to the limits set out in this chapter.

(b) This subsection shall not be construed as designating persons providing contracted services to youthful or juvenile offenders as employees or agents of the state for the purposes of chapter 440.

Section 45. Subsection (8) of section 39.074, Florida Statutes, is amended to read:

39.074 Siting of facilities; study; criteria.—

(8) When the department requests such a modification and it is denied by the local government, the local government or the department shall initiate the dispute resolution process established under s. 186.509 to reconcile differences on the siting of correctional facilities between the department, local governments, and private citizens. If the regional planning council has not established a dispute resolution process pursuant to s. 186.509, the department shall establish, by rule, procedures for dispute resolution. The dispute resolution process shall require the parties to commence meetings to reconcile their differences. If the parties fail to resolve their differences within 30 days after the denial, the parties shall engage in voluntary mediation or similar process. If the parties fail to resolve their differences by mediation within 60 days after the denial, or if no action is taken on the department's ~~or there is no action on such~~ request within 90 days after the request, the department must ~~may~~ appeal the decision of the local government on the requested modification of local plans, ordinances, or regulations to the Governor and Cabinet. Any dispute resolution process initiated under this section must conform to the time limitations set forth herein. However, upon agreement of all parties, the time limits may be extended, but in no event may the dispute resolution process extend over 180 days.

Section 46. (1) The Legislature intends that state and local agencies serving children and families work together to improve the well-being of children, preserve and promote the stability and self-sufficiency of families, prevent unnecessary out-of-home care for children, and help all children to succeed in school. State agencies, district school boards, and local governments are strongly encouraged to use state and local funds to match federal funds within the goals stated in this section.

(2) The Governor shall designate a task force for optimization of federal funding participation to analyze opportunities for increasing state participation in federal funding programs that serve children and families, including Title IV-A, Emergency Assistance and Child Care; Title IV-E; and Title XIX of the Social Security Act. The task force must include the Commissioner of Education, the secretary of the Department of Health and Rehabilitative Services, the Deputy Secretary for Juvenile Justice, and the secretary of the Department of Labor and Employment Security. The task force shall be housed within the Executive Office of the Governor for administrative purposes. Members of the task force shall be entitled to per diem and travel expenses in accordance with section 112.061, Florida Statutes. The task force shall review the reports from the local simulated matching programs authorized in this section, analyze opportunities for increasing state participation in federal funding programs, including the feasibility of authorizing local matching of federal funds, and submit a report with recommendations by January 1, 1995, to the President of the Senate, the Speaker of the House of Representatives, and the appropriations committees of the Senate and the House of Representatives.

(3) The Legislature authorizes simulated matching programs to improve state participation in federal funding programs by identifying state and local funds to match federal funds. In order to represent urban and rural areas and each service district of the Deputy Secretary for Juvenile Justice, one or more simulated matching programs are authorized in each county selected by the Department of Juvenile Justice as appropriately representative samples of urban or rural areas.

(4) The following criteria and procedures apply to each simulated matching program:

(a) Each state agency, district school board, and local governmental entity that simulates a match of federal funds from sources including, but not limited to, Title IV-A, Emergency Assistance and Child Care; Title IV-E; or Title XIX of the Social Security Act, in excess of the amount of federal funds which is appropriated by the Legislature to that agency, board, or entity in fiscal year 1994-1995, shall create a plan for investing the amount of the new or additional funds to improve or expand services provided for children and families.

(b) Each such district school board or local governmental entity shall establish a collaborative planning process for the use of the funds consistent with the intent of subsection (1). The county commission and the district school board shall designate an interagency collaborative planning body that must include, at a minimum, representatives of the public schools, county and municipal governments, the local health and human services board, the county juvenile justice council, the district juvenile justice boards, and public and private community agencies that serve children and families. The county commission and the district school board shall give consideration to designating an existing community council that meets the membership requirements. Each collaborative planning body shall prepare a report that describes the planning process, lists the participants, identifies unmet needs of families and children, and shows the anticipated receipt of federal funds that could be received through collaborative service delivery, the planned use of funds for the next fiscal year, and the actual use of funds in the preceding fiscal year. The report must be submitted to the task force for optimization of federal funding participation and the appropriations committees of the Senate and the House of Representatives by November 1, 1994.

(c) For purposes of the simulated matching programs, each state agency that receives federal funds under Title IV-A, Emergency Assistance and Child Care; Title IV-E; or Title XIX of the Social Security Act or other federal programs that serve children and families to be matched by the agency shall set guidelines and standards for other state agencies, district school boards, and local governmental entities to use in submitting claims for federal reimbursement consistent with federal and state laws and regulations. The guidelines must provide that an agency, board, or entity that submitted a claim and received federal reimbursement therefor would be liable for any federal disallowance caused by failure to follow a federal or state requirement.

(d) The Deputy Secretary for Juvenile Justice shall establish procedures that would permit a state agency, district school board, or local governmental entity to retain the nonfederal matching share and permit the passing through of such federal reimbursements to the agency, board, or entity.

(e) Each state agency that improves its process of matching federal funds under Title IV-A, Emergency Assistance and Child Care; Title IV-E; and Title XIX of the Social Security Act during the 1994-1995 fiscal year must report to each county conducting a simulated matching program the amount of new federal funds which was received through an improved matching process in that county.

(5) If the Legislature authorizes local matching of federal dollars as a state policy, those counties conducting simulated matching programs under this act shall be the first counties authorized to implement the policy.

(6) This section expires July 1, 1996.

Section 47. Task Force on Juvenile Sexual Offenders and Victims of Juvenile Sexual Abuse and Crimes.—

(1) The Legislature finds that the state's policy framework for the reporting, prevention, investigation, and treatment of juvenile sexual offenders has not been able to address the needs of this population or the needs of victims of juvenile sexual abuse and juvenile sexual crimes. It is the intent of the Legislature to examine the policy, procedures, and resources of the state designed to address this problem so that appropriate changes can be made in policy and programs to address the needs of the offenders and victims.

(2) Contingent upon specific appropriation, there is created a Task Force on Juvenile Sexual Offenders and Victims of Juvenile Sexual Abuse and Crimes to examine and recommend changes to the state's

current policy and program framework for the reporting, prevention, investigation, and treatment of juvenile sexual offenders and the treatment of victims of juvenile sexual abuse and juvenile sexual crimes. In addition, the task force is charged with educating policymakers and the public concerning its findings and recommendations.

(3) The task force shall be composed of 17 members, to be appointed by the Governor as follows:

- (a) One member shall be a circuit court judge with at least 1 year's experience in the juvenile division.
- (b) One member shall be from the field of law enforcement.
- (c) One member shall be an assistant state attorney with at least 1 year's experience in the juvenile division.
- (d) One member shall be an assistant public defender with at least 1 year's experience in the juvenile division.
- (e) One member shall be a provider of a residential juvenile sexual offender treatment program.
- (f) One member shall be a provider of a nonresidential treatment provider for juvenile sexual offenders.
- (g) One member shall be from the Children and Families Program.
- (h) One member shall be from the Juvenile Justice Program.
- (i) One member shall be from the Alcohol, Drug Abuse, and Mental Health Program.
- (j) One member shall be a child protective investigator.
- (k) One member shall be from a child protection team.
- (l) One member shall be a member of the House of Representatives.
- (m) One member shall be a member of the Senate.
- (n) Four members shall be appointed at large.

The task force members shall reflect the racial, gender, and ethnic diversity of the state and shall be selected for their leadership and knowledge of the issues of concern to the task force.

(4) The Governor shall appoint the chair. All appointments shall be made by June 1, 1994. In the event of a vacancy, the person who made the original appointment shall appoint a new member to fill the vacancy.

(5)(a) The task force shall analyze existing policy, programs, services, and resources in order to define a new direction for policy and programs.

(b) The task force shall develop a report addressing, at a minimum, the following issues:

1. Delineation and examination of the merits of the issues and concerns regarding the law, policy, procedures, and resources of the state designed to address the problem of juvenile sexual abuse and crimes including the child abuse reporting laws.
2. Definition of juvenile sexual offenders and victims of juvenile sexual abuse and crimes for the purpose of treatment.
3. Identification of the needs of the treatment system for offenders and victims.
4. Proposed changes to the law, policy, programs, and funding regarding offenders and victims.
5. Procedure for determining the effectiveness of programs for offenders and victims, including needed information system capacity and evaluation capacity.
6. Identification of areas or issues where consensus is lacking regarding the appropriate state response.

(6) The task force shall hold its first meeting no later than June 15, 1994, and shall submit its findings and recommendations to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the minority leaders of the Senate and the House of Representatives by December 31, 1994. Staff support shall be provided by the Executive Office of the Governor, the Deputy Secretary for Juvenile

Justice, and the Department of Law Enforcement. The findings and recommendations of the task force may serve as the basis for a comprehensive reform proposal for the 1995 regular session of the Legislature.

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

Section 48. It is the finding of the Legislature that:

(1) It is in the best interest of the citizens of this state that all youth become productive members of society and that an education is essential to becoming a productive member of society.

(2) It is further in the best interest of Florida that the state enhance service delivery systems that emphasize education, work, personal responsibility, improved living conditions, and self-sufficiency for youth.

(3) The cycle of illiteracy, dependency, substance abuse, and delinquency often leads to adult criminal behavior.

(4) It is in the best interest of the state that all students receive an education in a safe environment.

Section 49. Subsection (1) of section 39.42, Florida Statutes, is amended to read:

39.42 Families in need of services and children in need of services; procedures and jurisdiction.—

(1) It is the intent of the Legislature to address the problems of families in need of services by providing them with an array of services designed to preserve the unity and integrity of the family and to emphasize parental responsibility for the behavior of their children. These services shall be provided on a continuum of increasing level of intensity and participation by the parent and child. It is the further intent of the Legislature that judicial intervention to resolve the problems and conflicts that exist within a family be limited to situations in which service, treatment, and family mediation have, after a diligent effort, failed to achieve a resolution to the problems and conflicts. In creating this part, the Legislature recognizes the need to distinguish the problems of truants, runaways, and children beyond the control of their parents, and the services provided to these children, from the problems and services designed to meet the needs of abandoned, abused, neglected, and delinquent children. In achieving this recognition, it shall be the policy of the state to develop services for families in need of services and children in need of services.

Section 50. Subsection (1) of section 402.3026, Florida Statutes, is amended to read:

402.3026 Full-service schools.—

(1) The State Board of Education and the Department of Health and Rehabilitative Services shall jointly establish full-service schools to serve students from schools that have a student population that has a high risk of needing medical and social services, based on the results of the demographic evaluations. The full-service schools must integrate the services of the Department of Health and Rehabilitative Services that are critical to the continuity-of-care process. The Department of Health and Rehabilitative Services shall provide services to these high-risk students through facilities established within the grounds of the school. The Department of Health and Rehabilitative Services professionals shall carry out their specialized services as an extension of the educational environment. Such services may include, without limitation, nutritional services, basic medical services, aid to dependent children, parenting skills, counseling for abused children, counseling for children at high risk for delinquent behavior and their parents, and adult education.

Section 51. Subsection (1) of section 402.45, Florida Statutes, is amended to read:

402.45 Community resource mother or father program.—

(1) The Department of Health and Rehabilitative Services shall establish a community resource mother or father program pursuant to this section within the resources allocated. The purpose of the program shall be to demonstrate the benefits of utilizing community resource mothers or fathers to improve maternal and child health outcomes; to enhance parenting and child development, including the educational enrichment of children through the promotion of increased awareness by mothers and fathers of their own strengths and potentials as home educa-

tors; to support family integrity through the provision of social support and parent education and training; to provide assistance to children at high risk for delinquent behavior and their parents; and to provide assistance to high-risk pregnant women and to high-risk or handicapped infants, toddlers, and preschool children and their parents.

Section 52. Subsection (6) of section 409.802, Florida Statutes, is amended to read:

409.802 Provisions of Family Policy Act.—In order to accomplish the goal of the Family Policy Act, the Legislature shall seek to provide to all families of this state the following:

(6) Equal opportunity and access to quality and effective education which will meet the individual needs of each family member and which will mobilize family strengths into effective educational action through a comprehensive partnership of the family, school, and community that reinforces and enhances family skills and parental responsibility, reinforces a caring environment, and, where feasible, utilizes the school facility as a center for community activity.

Section 53. Subsection (9) of section 415.516, Florida Statutes, is renumbered as subsection (10), and a new subsection (9) is added to said section to read:

415.516 Goals.—The goals of any Family Builders Program shall be to:

(9) *Emphasize parental responsibility and facilitate counseling for children at high risk of delinquent behavior and their parents.*

Section 54. Section 230.2316, Florida Statutes, is amended to read:

230.2316 Dropout prevention.—

(1) SHORT TITLE.—This act may be cited as the “Dropout Prevention Act.”

(2) INTENT.—The Legislature recognizes that a growing proportion of young people are not making successful transitions to productive adult lives. The Legislature further recognizes that traditional education programs which do not meet certain students’ educational needs and interests may cause these students to become unmotivated, fail, be truant, be disruptive, or drop out of school. The Legislature finds that the school dropout rates within the state have reached epidemic proportions and that a child who does not complete his education is greatly limited in obtaining gainful employment, achieving his full potential, and becoming a productive member of society. Therefore, it is the intent of the Legislature to authorize and encourage district school boards throughout the state to establish comprehensive dropout prevention programs for students in kindergarten through grade 12. These programs shall be designed to meet the needs of students who are not effectively served by conventional education programs in the public school system. It is further the intent of the Legislature that cooperative agreements be developed among school districts, other governmental and private agencies, and community resources in order to implement innovative exemplary programs aimed at reducing the number of students who do not complete their education and increasing the number of students who have a positive experience in school and obtain a high school diploma.

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

~~(a) “Dropout retrieval activities” means educational programs and activities which identify and motivate students who have dropped out of school to reenter school in order to obtain a high school diploma or its equivalent.~~

~~(a)(b) “Educational alternatives programs” means educational programs which are designed to offer variations of traditional instructional programs and strategies for the purpose of increasing the likelihood that grade 4 through grade 12 students who are unmotivated or unsuccessful in traditional programs remain in school and enroll in a program of study that leads to a high school diploma obtain a high school diploma or its equivalent.~~

~~(c) “Teenage parent programs” means educational programs which are designed to provide a specialized curriculum and other services to meet the needs of both students who are pregnant or students who are mothers or fathers and the children of the students.~~

~~(b)(d) “Substance abuse programs” means agency-based or school-based educational programs which are designed to meet the needs of students with drug or alcohol-related problems.~~

~~(c)(e) “Disciplinary programs” means programs designed to provide a safe learning environment for the general school population, increase the safety of the school and the community, and provide positive intervention for students who are disruptive in the traditional school environment.~~

~~(d)(f) “Youth services programs” means educational programs, including conflict resolution training, provided by the school district to students participating in Department of Health and Rehabilitative Services or other state or community youth residential or day services programs.~~

~~(e) “Parent education programs” means programs provided by school boards to address the needs of parents, including conflict resolution training.~~

~~(f) “Student support and assistance programs” means educational programs or services, including conflict resolution training, which are designed to provide support and assistance to dropout prevention students who are enrolled in the regular classroom.~~

~~(g) “Community-based dropout prevention programs” means programs and services provided by public or private nonprofit agencies which are designed to support and supplement the dropout prevention program of the school district.~~

(4) STUDENT ELIGIBILITY AND PROGRAM CRITERIA.—All programs funded pursuant to the provisions of this section shall be positive and shall reflect strong parental and community involvement. In addition, specific programs shall meet the following criteria:

(a) Educational alternatives programs.—

1. The program differs from traditional education programs and schools in scheduling, administrative structure, philosophy, curriculum, or setting and employs alternative teaching methodologies, curricula, learning activities, or diagnostic and assessment procedures in order to meet the needs, interests, abilities, and talents of eligible students. Student participation in such programs shall be voluntary. The minimum period of time during which the student participates in the program shall be equivalent to two three instructional periods per day unless the program utilizes a student support and assistance component resource, tutorial, or remedial compensatory model rather than regularly scheduled courses. The minimum period of time for a student in grades 6-12 may be equivalent to two instructional periods per day.

2. The student has been identified as being a potential dropout based upon one of the criteria:

a. The student has shown a lack of motivation in school through grades which are not commensurate with documented ability levels or; high absenteeism, or other documentation provided by student services personnel;

b. The student has not been successful in school as determined by retentions, failing grades, or low achievement test scores and has needs and interests that cannot be met through traditional programs federal compensatory education programs or exceptional education programs;

c. The student has been identified as a potential school dropout by student services personnel using district or state criteria. District criteria that are used as a basis for student referral to an educational alternatives program shall identify specific student performance indicators that the educational alternative program seeks to address.

d. The student has performed successfully in the educational alternatives program and wishes to remain enrolled in such program.

3. The remedial compensatory program must be coordinated in a manner which permits the exclusion of instructional staff members employed through the use of funds in this program from the comparability requirements of the Federal Compensatory Education Program.

~~(b) Teenage parent programs.—~~

~~1. The program shall provide pregnant students or students who are parents and the children of these students with a comprehensive teenage parent program consisting of educational and ancillary service components. The program shall provide pregnant students or students who are parents with the option of participating in regular classroom activities or enrolling in a special program designed to meet their needs pursuant to s. 232.01. Students participating in teenage parent programs shall be exempt from minimum attendance requirements for absences related to pregnancy, but shall be required to make up work missed due to absence.~~

~~2. The curriculum shall include instruction in such topics as prenatal and postnatal health care, parenting skills, benefits of sexual abstinence, and consequences of subsequent pregnancies. Parenting skills should include instruction in the stages of child growth and development, methods for aiding in the intellectual, language, physical, and social development of children, and guidance on constructive play activities.~~

~~3. Provision for necessary child care, health care, social services, and transportation shall be required ancillary service components of teenage parent programs. Ancillary services may be provided through the coordination of existing programs and services and through joint agreements between school districts and between school districts and other appropriate public and private providers.~~

(b)(e) Substance abuse programs.—

1. The program shall provide basic educational instruction for students participating in non-school-based residential or day substance abuse treatment programs. Such educational programs shall provide curricula and related services which support the program goals and ~~lead to which are appropriate for~~ completion of a high school diploma or its equivalent; or

2. The program shall provide school-based programs which serve students who have documented ~~drug-related drug~~ or alcohol-related problems, or students whose immediate family members have documented ~~drug-related or alcohol-related problems that adversely affect the student's performance in school,~~ and shall include instruction designed to prevent substance abuse.

(c)(d) Disciplinary programs.—

1. The student has a history of disruptive behavior in school or has committed an offense ~~that which~~ warrants *out-of-school* suspension or expulsion from school according to the district code of student conduct. For the purposes of this program, "disruptive behavior" is behavior ~~that which~~:

a. Interferes with the student's own learning or the educational process of others and requires attention and assistance beyond that which the traditional program can provide or results in frequent conflicts of a disruptive nature while the student is under the jurisdiction of the school either in or out of the classroom; or

b. Severely threatens the general welfare of students or others with whom the student comes into contact.

2. The program includes but is not necessarily limited to in-school suspension, alternatives to expulsion, counseling centers, and crisis intervention centers. ~~The program may be planned and operated in collaboration with local law enforcement or other community agencies.~~

3. In-school suspension programs shall provide instruction ~~and/or~~ counseling leading to improved student behavior and the development of more effective interpersonal skills. Such programs shall be positive alternatives to *out-of-school regular* suspension programs and shall emphasize, but not be limited to, the following: enhancement of student self-esteem; improved attendance; prevention of behavior ~~that which~~ might cause a student to enter a juvenile delinquency program; reduction in the number of discipline referrals; ~~and~~ reduction in the number of student dropouts; ~~and~~ reduction in the number of *out-of-school suspensions*. ~~After providing assistance, school boards shall disapprove school-based, in-school suspension programs that continually fail to directly reduce the school's expulsion or out-of-school suspension rate. The principal of each school shall prepare an annual report which delineates the number of students suspended in in-school and out-of-school suspension, the proportionate populations represented by such students, and the bases for such suspensions. The report shall include an analysis of such data and recommendations for increasing student success through the program. The report shall be distributed to all members of the school advisory council for consideration in the annual school improvement plan.~~

4. A student who has been placed in detention or a court-adjudicated commitment program shall be evaluated by school district personnel upon completion of such program prior to placement of the student in an educational program. Such student shall not be automatically assigned to a disciplinary program upon reentering the school system.

5. Prior to assigning a student to a disciplinary program of more than 10 days' duration, the district shall attempt a ~~variety continuum~~ of edu-

cation and student services to identify the causes of the disruptive behavior, to modify the behavior, or to provide more appropriate educational services to the student; however, a student who has committed an offense ~~that which~~ warrants expulsion according to the district code of student conduct may be assigned to a disciplinary program without attempting a ~~variety continuum~~ of services.

6. In-school suspension programs shall be funded at the dropout prevention program weight pursuant to s. 236.081(1)(c) if the school district program provides the following ~~in addition to the academic component~~:

a. Individual and group counseling ~~as a daily activity is included as an activity for a minimum of two class periods daily.~~

b. A parent conference ~~is held~~ while a student is in the in-school suspension program for all suspensions of 4 days or longer or whenever a student incurs a second ~~or subsequent~~ suspension in the same school year.

c. ~~Reports regarding The school district reports~~ the specific misconduct for each student placed in in-school suspension.

If such criteria are not met, in-school suspension programs shall be funded at the basic program weight for the grade level at which the program is provided pursuant to s. 236.081(1)(e)1.a-e.

~~7. The district school boards and the department may establish a summer inservice training program for teachers and administrators which may be provided by district school boards or individual schools and which shall include, but not be limited to, instruction focusing on treating students with respect and enhancing student self-esteem, developing positive in-school intervention methods for misbehaving students, establishing strategies to involve students in classroom and school management and in reducing student misconduct, conducting student and parent conferences, and creating "student friendly" environments at schools. Instructional personnel may use successful participation in a summer inservice training program established pursuant to this subparagraph for certification extension or for adding a new certification area if the district has an approved add-on certification program, pursuant to State Board of Education rules.~~

(d)(e) Youth services programs.—

1. The student is ~~assigned to participating in~~ a detention, commitment, or rehabilitation program provided pursuant to chapter 39 which is sponsored by a *state* or community-based agency or is operated or contracted for by the Department of Health and Rehabilitative Services.

2. Programs shall provide intensive counseling, behavior modification, and therapy in order to meet the student's individual needs. Programs may be residential or nonresidential. ~~Discretion shall be used when determining student assignments based on eligibility.~~

3. ~~A school day for~~ Any student served in a youth services program shall be ~~provided the equivalent of instruction provided for the definition of a "school day" pursuant to s. 228.041. However, the educational services may be provided at times of the day most appropriate for the youth services program the same as specified in s. 228.041(13).~~

4. A program is provided which shall consist of appropriate basic academic, vocational, or exceptional curricula and related services which support the rehabilitation program goals and which may lead to completion of the requirements for receipt of a high school diploma or its equivalent, provided that the educational component of youth services programs of less than 40 days' duration which take place in a park or wilderness setting may be limited to tutorial activities and vocational employability skills.

5. Participation in the program by students of compulsory school attendance age as provided for in s. 232.01 shall be mandatory.

~~6. The school district shall make every effort to recruit and train teachers who are interested, qualified, and experienced and to provide students in youth services programs with a wide range of educational programs.~~

6. ~~Districts are encouraged to implement programs that assist students in the transition between dismissal from youth services programs and school reentry.~~

7. ~~The Department of Education or~~ A school district may contract with a private nonprofit entity ~~or a state or local government agency~~ for the provision of educational programs to clients of the Department of

Health and Rehabilitative Services and may generate state funding through the Florida Education Finance Program for such students. *School districts shall submit to the Department of Education evidence of cooperative agreements with the Deputy Secretary for Juvenile Justice, in order to receive funding.*

~~(f) Dropout retrieval assistance programs.—~~

~~1. The program shall utilize community college and university students to locate and counsel youth who have dropped out of school and to assist the youth if they decide to return to school.~~

~~2. The school district shall make every effort to provide a wide range of educational and ancillary programs to youth who return to school as a result of dropout retrieval assistance programs.~~

~~3. The school district shall encourage the community college or university at which a student participating in a dropout retrieval assistance program is enrolled to provide the student with directed individual study or internship credit for participating in a dropout retrieval assistance program.~~

~~(e) Parent education programs.—~~

~~1. Parent education programs shall address issues related to parenting skills and competencies in conflict resolution, family finance and budgeting, family planning, and home economics.~~

~~2. Parents are eligible for services funded under this section only if their child is enrolled in a district school.~~

~~3. Parents participating in the program shall generate dropout prevention funding for only the instructional time related to the program.~~

~~(f) Student support and assistance programs.—~~

~~1. Student support and assistance programs shall provide academic assistance and coordination of support services. This program shall include auxiliary services provided to students or teachers, or both, and may be used in all program categories.~~

~~2. Students participating in this program shall generate dropout prevention funding for only the time that they receive extra services or auxiliary help.~~

~~3. The Department of Education shall establish age-appropriate student eligibility criteria for the participation of students enrolled in kindergarten through grade three in student support and assistance programs. Students enrolled in kindergarten through grade three shall receive dropout prevention services solely through the student support and assistance program.~~

~~(5) PROGRAM PLANNING AND IMPLEMENTATION.—~~

~~(a) Each district may establish one or more alternative programs for dropout prevention at the elementary, middle, junior high school, or high school level.~~

~~(b) Any school district desiring to receive state funding for a dropout prevention program pursuant to the provisions of s. 236.081(1)(c) shall develop a comprehensive dropout prevention program plan which describes all of the programs and services which the district will make available to students pursuant to subsection (4). As part of that plan, each school district shall develop, either singly or through a joint agreement with other school districts, a teenage parent program and implement the program unless:~~

~~1. There are no pregnant or parenting teenagers in the school district interested in participating in a teenage parent program;~~

~~2. The school district submits demonstrable proof that the particular needs of pregnant or parenting teenagers interested in participating in a teenage parent program are being met through other agencies, entities, or family members, including a description of needs and any relevant service agreements; or~~

~~3. The school district submits demonstrable proof that:~~

~~a. It is financially unable to meet the particular ancillary services needs of pregnant or parenting teenagers interested in participating in a teenage parent program; and~~

~~b. The needed ancillary services are unavailable from the agencies or entities included on the community services inventory conducted pursuant to subsection (9).~~

~~Districts choosing not to implement all of the four remaining programs described in subsection (4) shall provide evidence that such programs are either not needed within the district or that the needs of students are already being provided through existing public or private agencies or entities or that the district is unable to provide the program.~~

~~(e) In order to be approved, each plan shall include the following components:~~

~~1. Emphasis on parental, community, and business involvement.~~

~~2. Interagency coordination in order to maximize existing human and fiscal resources.~~

~~3. A method for early identification of potential dropouts.~~

~~4. Dropout retrieval activities.~~

~~5. Employability skills and other career awareness activities related to preparation for the workforce.~~

~~6. Commitment of the district to achieve the goals and objectives of this section, as evidenced by the assignment of at least one person to be responsible for the implementation and administration of the district's dropout prevention program.~~

~~(c)(d) For each program to be provided by the district pursuant to subsection (4), the following information shall be provided in the program plan:~~

~~1. Student eligibility criteria.~~

~~2. Student admission procedures.~~

~~3. Operating procedures.~~

~~4. Program goals and outcome objectives. Measurable outcome objectives shall provide a framework for the evaluation of each dropout prevention program, which shall specify, at a minimum, the outcome to be produced, the time period during which the outcome will be produced, and to what degree the outcome will be produced.~~

~~5. Qualifications of program personnel.~~

~~6. The program budget, including identification of all federal, state, local, or other funds which will be used to support the program.~~

~~6.7. A schedule for staff development activities.~~

~~7.8. Evaluation procedures which describe how outcome objectives will be achieved and measured.~~

~~(d) Beginning with the 1994-1995 school year, district plans or amended plans may be submitted to the Department of Education dropout prevention regional offices for technical assistance and review prior to approval by the local school board.~~

~~(e) The Department of Education shall provide technical assistance upon request of the school or school district.~~

~~(f) Each school that establishes or continues a dropout prevention program at that school site shall reflect that program in the school improvement plan as required under s. 230.23(18).~~

~~(e) District comprehensive dropout prevention program plans shall be submitted to the Commissioner of Education for approval by December 1, 1986, prior to implementation of the program. In subsequent years, districts shall submit amendments to the initial dropout prevention plans. Pursuant to rules adopted by the State Board of Education, a school district shall be required to receive approval from the commissioner prior to implementing any new dropout prevention program to be funded pursuant to s. 236.081(1)(c) and not included in the district's initial comprehensive program plan.~~

~~(g)(f) Districts may modify courses listed in the State Course Code Directory for the purpose of providing dropout prevention programs pursuant to the provisions of this section. Such modifications must be approved by the commissioner and may include lengthening or shortening of the time allocated for in-class study, alternate methods of assessment of student performance, and the integration of curriculum frameworks or student performance standards to produce interdisciplinary units of instruction, and activities conducted within the student support and assistance program.~~

(6) ~~EVALUATION.~~—The Department of Education shall establish, ~~by January 1, 1990,~~ a set of minimum objective criteria for each program type under this section. In establishing the criteria, the department shall solicit school district input. ~~Beginning with the 1987-1988 school year,~~ Each school district receiving state funding for dropout prevention programs through the Florida Education Finance Program as provided for in subsection (5) shall submit ~~an annual a biennial~~ report to the Department of Education documenting the extent to which each of the district's dropout prevention programs has been successful in meeting the outcome objectives established by the district for the program. At a minimum, school districts shall develop ~~by July 1, 1990,~~ outcome objectives for each objective criteria established by the Department of Education. Such outcome objectives shall be included in the ~~annual biennial~~ report required under this subsection ~~beginning in the 1991-1993 biennium.~~ The department shall develop specific review measures, pursuant to s. 229.555, to ensure that district program outcome objectives are measurable and include the number and proportion of students in dropout prevention programs who later drop out of high school, thereby assuring that these objectives will provide an accurate basis for evaluating the effectiveness of dropout prevention programs. ~~This information shall be reported to parents pursuant to s. 230.23(18).~~ The department shall compile this information into an ~~annual a biennial~~ report which shall be submitted to the presiding officers of the Legislature by February 15 ~~of the second year of each biennium.~~

(7) ~~STAFF DEVELOPMENT.~~—~~Staff assigned to dropout prevention programs shall participate regularly in staff development activities relating to their specific duties and responsibilities as provided for in the district's approved dropout prevention program plan and master inservice plan.~~

(a) *Each school district shall establish procedures for ensuring that teachers assigned to dropout prevention programs possess the affective, pedagogical, and content-related skills necessary to meet the needs of at-risk students. Each school board shall also ensure that adequate staff development activities are available for dropout prevention staff and that dropout prevention staff participate in these activities.*

(b) *The district school boards and the department may establish a summer inservice training program for teachers and administrators which may be provided by district school boards or individual schools and which shall include, but not be limited to, instruction focusing on treating students with respect and enhancing student self-esteem, developing positive in-school intervention methods for misbehaving students, establishing strategies to involve students in classroom and school management and in reducing student misconduct, conducting student and parent conferences, and creating "student-friendly" environments at schools. Instructional personnel may use successful participation in a summer inservice training program established pursuant to this paragraph for certification extension or for adding a new certification area if the district has an approved add-on certification program, pursuant to State Board of Education rules.*

(8) ~~RECORDS.~~—Each district providing a program for dropout prevention pursuant to the provisions of this section shall maintain for each participating student for whom funding is generated through the Florida Education Finance Program records documenting the student's eligibility, the length of participation, the type of program to which the student was assigned, and an evaluation of the student's academic and behavioral performance while in the program. The parents or guardians of a student assigned to such a dropout prevention program shall be notified in writing and entitled to an administrative review of any action by school personnel relating to such placement pursuant to the provisions of chapter 120. *However, for educational alternatives of choice, which are voluntary and for which a student's parent or guardian has requested participation, such notification of administrative review shall not be required.*

(9) ~~COORDINATION WITH OTHER AGENCIES.~~—School district dropout prevention programs shall be coordinated with social service, law enforcement, prosecutorial, and juvenile justice agencies in the school district. School districts shall inventory community services and programs relevant to implementation of their comprehensive dropout prevention program plans. Notwithstanding the provisions of s. 228.093, these agencies are authorized to exchange information contained in student records and juvenile justice records. Such information is confidential and exempt from the provisions of s. 119.07(1). School districts and other agencies receiving such information shall use the information only for official purposes connected with the certification of students for admission to and for the administration of the dropout prevention pro-

gram, and shall maintain the confidentiality of such information unless otherwise provided by law or rule. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

~~(10) DROPOUT PREVENTION MANUAL.~~ The Department of Education, in conjunction with the Center for Dropout Prevention shall develop a manual for school districts which shall include a presentation of the intent and goals of this section, requirements for comprehensive dropout prevention program plans, examples of successful practices, identification of resources available to supplement educational programs, and other information that will assist in the successful implementation of this section. ~~This manual shall be made available to school districts no later than September 15, 1986.~~

~~(11) COMMUNITY BASED DROPOUT PREVENTION PROGRAM GRANTS.~~—

(a) ~~Beginning with the 1986-1987 school year, from funds specifically appropriated by the Legislature for this purpose, the Department of Education is authorized and directed to award grants on a competitive basis to public or private nonprofit entities wishing to implement dropout retrieval activities or community-based dropout prevention programs. Such grants shall be awarded annually by no later than January 30 of each year.~~

(b) ~~Each entity wishing to apply for a grant shall submit a grant proposal to the Department of Education by December 1, 1986, on forms prescribed by the department. In order to be considered for funding, the grant proposal shall include at least the following information and assurances:~~

1. ~~A detailed description of the program to be implemented, including a statement of program objectives, activities, target population, number of students to be served, and identification of all education, community agency, private sector, or other personnel and resources involved in program development and implementation.~~

2. ~~Assurance that parents and guardians will be involved in the development and implementation of the program.~~

3. ~~A detailed program budget.~~

4. ~~Measures for evaluation of the effectiveness of the program, including cost-effectiveness.~~

(c) ~~The Department of Education shall consider the following factors in awarding grants as specified in this subsection:~~

1. ~~The dropout rate within the geographic area to be served by the program. Those geographic areas with high dropout rates shall have priority for selection.~~

2. ~~The qualifications of the personnel who will be responsible for program implementation and administration.~~

3. ~~The extent to which the program will be coordinated with existing public educational programs and social and medical services.~~

4. ~~The cost effectiveness of the program.~~

5. ~~The degree to which the programs' objectives and activities are consistent with the goals of this subsection.~~

(d) ~~The department shall make available to any entity wishing to apply for a community based dropout prevention program grant information on all of the criteria to be used by the department in the selection of proposals for funding pursuant to the provisions of this subsection.~~

(e) ~~Each entity which is awarded a grant pursuant to the provisions of this section shall submit an annual report to the Department of Education documenting the extent to which the program objectives are being met.~~

~~(12) MINI SCHOOLS AS EDUCATIONAL ALTERNATIVES; INCENTIVE GRANTS.~~—

(a) ~~Beginning with the 1990-1991 school year, from funds specifically appropriated by the Legislature for this purpose, the Department of Education shall award incentive grants on a competitive basis to school districts to fund the startup costs associated with the development and initial operation of small, open enrollment, mini-schools as educational alternatives under the school district's comprehensive dropout prevention plan as described in subsection (5). Such incentive grants shall be awarded annually on March 15th of each year.~~

(b) Each school district interested in applying for an incentive grant shall submit a proposal to the Department of Education by January 31, 1990, on Department of Education forms. In order to be considered for funding, the grant proposal shall include, at a minimum, the following information and assurances:

1.—A detailed description of the mini schools to be operated, including a statement of philosophy, objectives, activities, type and grade levels of the school to be operated, instructional variations, number of students to be served, projected staffing and annual operating costs, location of the school, and certification that the proposal will be included in the school district's dropout prevention plan.

2.—An assurance that students, parents, and teachers of the school district will be involved in the preplanning, development, and operation of the mini school.

3.—Assurance that the enrollment in the mini school will be open to all students by choice with an equitable system of student selection and criteria for admission, to be developed and approved by the school district.

4.—Assurance that the mini school, if located within a currently operating school, will have self governance as would any freestanding school administered by the school district.

5.—A detailed program budget, displaying the amount of the grant requested and local funding contributions.

6.—An evaluation component which identifies methods to be used to measure student performance outcomes.

(c) The Department of Education shall give priority to the following factors in awarding grants as specified in this subsection:

1.—The overall demonstrable need for the mini school.

2.—The dropout rate of the school district.

3.—The graduation rate of the school district.

4.—The nonpromotion rate of the school district, and whether the proposed mini school targets those grades having the highest nonpromotion rates.

5.—The assurance of the school district that the mini school will be opened by the start of the subsequent school year and that the school district has involved teachers, students, and parents in the planning process.

6.—The extent to which the mini school will be seeking the active involvement of community agencies and the private sector.

7.—The extent and appropriateness of staff development.

(d) Each school district awarded a grant pursuant to the provisions of this subsection shall submit on a one-time basis a final report to the Department of Education documenting the expenditure of the grant funds and the extent to which the program objectives have been met. Such a report shall be submitted no later than 60 days after the start of the subsequent school year. Thereafter, school districts shall incorporate information on the mini school in their biennial report as provided for by subsection (6).

(13) POSITIVE ALTERNATIVES TO OUT-OF-SCHOOL-SUSPENSION GRANTS.—

(a) Beginning with the 1990-1991 school year, as funded by the Legislature for this purpose, the Department of Education is authorized and directed to award grants on a competitive basis to school districts wishing to implement programs or services as positive alternatives to out-of-school suspension. Such grants shall be awarded by November 1, 1990, and thereafter on August 15 of each year.

(b) School districts applying for a grant shall include the following information on forms provided by the department:

1.—A program description, the identification of schools to participate, the projected number of students to be served, and the strategies to be used.

2.—Assurances that the grant will cover those services which currently do not generate full-time equivalent student reimbursement.

3.—A commitment to carry out a student performance outcome evaluation of all students served by the program, and the program impact on the total number of out-of-school suspensions.

(e) The programs or services which could provide positive alternatives to out-of-school suspension include, but are not limited to, one or more of the following:

1.—Crisis counseling/time-out centers.

2.—After-school study or work programs.

3.—Peer-court or mediators programs.

4.—Saturday school or work/counseling programs.

5.—Community service-work assignments.

6.—Disciplinary class or school programs.

7.—In-school suspension, counseling, and assessment components.

8.—Other school-designed interventions as may be developed and proposed.

(d) The department shall make available to school districts the criteria to be used for selecting grant proposals as part of the notification of the grant funding process.

(10)(14) RULES.—The Department of Education shall have the authority to adopt any rules necessary to implement the provisions of this section; such rules shall require the minimum amount of paperwork and reporting necessary to comply with this act. *By January 1, 1995, current rules regarding this section shall be revised.*

Section 55. Section 230.23166, Florida Statutes, is created to read:

230.23166 Teenage parent programs.—

(1) Each district school board shall establish and implement a teenage parent program.

(2) "Teenage parent programs" means educational programs which are designed to provide a specialized curriculum and other services to meet the needs of students who are pregnant or students who are mothers or fathers and the children of the students.

(3)(a) The program shall provide pregnant students or students who are parents and the children of these students with a comprehensive teenage parent program consisting of educational and ancillary service components. The program shall provide pregnant students or students who are parents with the option of participating in regular classroom activities or enrolling in a special program designed to meet their needs pursuant to s. 232.01. Students participating in teenage parent programs shall be exempt from minimum attendance requirements for absences related to pregnancy or parenting, but shall be required to make up work missed due to absence.

(b) The curriculum shall include instruction in such topics as prenatal and postnatal health care, parenting skills, benefits of sexual abstinence, and consequences of subsequent pregnancies. Parenting skills should include instruction in the stages of child growth and development, methods for aiding in the intellectual, language, physical, and social development of children, and guidance on constructive play activities.

(c) Provision for necessary child care, health care, social services, parent education, and transportation shall be required ancillary service components of teenage parent programs. Ancillary services may be provided through the coordination of existing programs and services and through joint agreements between school districts and between school districts and other appropriate public and private providers.

(d) The school board shall make adequate provisions for pregnant and parenting teenagers to complete the course work necessary to earn a high school diploma. School boards are encouraged to give students a choice of educational options that shall allow students to earn credit toward a high school diploma at a rate at least commensurate with traditional high school programs. Such a choice should include, but not be limited to, remaining in the school they originally attend, attending a separate center, attending an area vocational technical center, or attending a different middle or high school.

(e) Children enrolled in child care provided by the district shall be funded at the special program cost factor pursuant to s. 236.081 if the parent or parents are enrolled full time in a public school in the district.

(4) The Department of Education shall develop and distribute guidelines for developmentally appropriate child care. The guidelines shall be the basis for the planning and implementation of child care facilities. Upon request of local school personnel, the department shall provide technical assistance in this regard to schools or districts.

(5) The State Board of Education shall adopt rules necessary to implement the provisions of this section.

Section 56. Paragraph (c) of subsection (1) of section 236.081, Florida Statutes, is amended to read:

236.081 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR OPERATION.—The following procedure shall be followed in determining the annual allocation to each district for operation:

(c) Determination of programs.—Cost factors based on desired relative cost differences between the following programs shall be established in the annual General Appropriations Act. However, the application of cost factors in part-time programs for exceptional students is limited to a maximum of twelve twenty-fifths of a student membership in a given program during a week. Beginning with the 1990-1991 fiscal year, the application of cost factors in part-time programs for exceptional students is limited to a maximum of 432 hours of a student full-time equivalent membership in a given program during a school year as defined in s. 228.041(16). The criteria for qualification for the special programs, including maximum case loads for part-time programs, shall be determined by rules of the state board. However, the district may apply to the department for an exemption to the maximums set above, and the department may grant such exemptions when district size or program dispersal would place an undue burden on the district. Cost factors for special programs for exceptional students shall be used to fund programs, approved by the department, as provided by law for exceptional students under the minimum age for enrollment in kindergarten. Beginning with the 1993-1994 fiscal year, the Department of Education shall conduct a program cost analysis, pursuant to State Board of Education rule, as part of the program review process. Adult basic and secondary programs must also be addressed in the program cost analysis. The program cost analysis must include, but is not limited to, the cost of direct and indirect operations, instruction, faculty-to-student ratio, consumable supplies, equipment, and optimum program length.

1. Basic programs.—
 - a. Kindergarten and grades 1, 2, and 3.
 - b. Grades 4, 5, 6, 7, and 8.
 - c. Grades 9, 10, 11, and 12.
 - d. *Special programs.*
2. Special programs for exceptional students.—
 - a. Educable mentally handicapped.
 - b. Trainable mentally handicapped.
 - c. Physically handicapped.
 - d. Physical and occupational therapy part-time.
 - e. Speech, language, and hearing part-time.
 - f. Speech, language, and hearing.
 - g. Visually handicapped part-time.
 - h. Visually handicapped.
 - i. Emotionally handicapped part-time.
 - j. Emotionally handicapped.
 - k. Specific learning disability part-time.
 - l. Specific learning disability.
 - m. Gifted part-time.

- n. Hospital and homebound part-time.
- o. Profoundly handicapped.
3. Special adult general education programs.—
 - a. Adult basic education.
 - b. Adult secondary education.
 - c. Lifelong learning.
4. Special vocational-technical programs job-preparatory.—
 - a. Agriculture.
 - b. Office.
 - c. Distributive.
 - d. Diversified.
 - e. Health.
 - f. Public service.
 - g. Home economics.
 - h. Industrial.
 - i. Exploratory.
5. Special vocational-technical-adult supplemental.—
 - a. Agriculture.
 - b. Office.
 - c. Distributive.
 - d. Health.
 - e. Public service.
 - f. Home economics.
 - g. Industrial.
6. Students-at-risk programs.—
 - a. Dropout prevention.
 - b. Kindergarten through grade 3 ESOL.
 - c. Grades 4 through 8 ESOL.
 - d. Grades 9 through 12 ESOL.

Section 57. Paragraph (a) of subsection (6) of section 229.592, Florida Statutes, is amended to read:

229.592 Implementation of state system of school improvement and education accountability.—

(6) EXCEPTIONS TO LAW.—To facilitate innovative practices and to allow local selection of educational methods during the time period required for careful deliberation by the Legislature and the Florida Commission on Education Reform and Accountability, the following time-limited exceptions shall be permitted:

(a) In the General Appropriations Acts of 1991, 1992, and 1993, the Legislature may authorize exceptions to any laws pertaining to fiscal policies, including ss. 236.013 and 236.081, provided the intent is to give school districts increased flexibility and local control of education funds. If the General Appropriations Act does not contain a specific line-item appropriation or a specific listing within a line-item appropriation which provides funding for the programs established pursuant to the following statutes, the statute shall be held in abeyance for that fiscal year, and any approved plan for implementing said statute shall be null and void for said fiscal year: ss. 228.0855; 230.2215; 230.2305; 230.2309; 230.2312; 230.2313; 230.2314; ~~230.2316(11)-(12), and (13)~~; 230.2318; 230.2319(6), (7), (8), and (9); 231.087; 231.532; 231.613; 232.257; 232.301; 233.057; 233.0575; 233.0576; 233.0615, 233.067(5), (6), (7), (8), and (11); 233.069; 233.65; 234.021; 236.02(3); 236.022, 236.0835; 236.0873; 236.083; 236.088; 236.089; 236.091; 236.092; 236.122; 236.1223; 236.1224; 236.1227, 236.1228; and 239.401. In the event the extended day supplement required by s. 236.081(10) is not appropriated in full and is not contained in a specific line-item appropriation or a specific listing within a line-item appropria-

tion in the General Appropriations Act of 1991, 1992, or 1993, those provisions of ss. 228.041(16) and 236.02(2)(a) that require a minimum of 1,050 hours of instruction for grades 9 through 12 shall be held in abeyance.

In determining which statutes and rules stand in the way of school improvement, the Florida Commission on Education Reform and Accountability shall consider the effect that holding the statutes listed in paragraphs (a) and (b) in abeyance has had on the school improvement process.

Section 58. Paragraph (d) of subsection (1) of section 232.01, Florida Statutes, is amended to read:

232.01 Regular school attendance required between ages of 6 and 16; permitted at age of 5; exceptions.—

(1)

(d) Students who become or have become married and students who are pregnant shall not be prohibited from attending school. These students and students who are parents shall receive the same educational instruction or its equivalent as other students, but may voluntarily be assigned to a class or program suited to their special needs. Consistent with s. 230.2316 ~~230.2316~~, pregnant or parenting teens shall be entitled to participate in a teenage parent program. Pregnant students may attend alternative education programs or adult education programs, provided that the curriculum allows the student to continue to work toward a high school diploma.

Section 59. Paragraph (e) of subsection (1) of section 234.01, Florida Statutes, is amended to read:

234.01 Purpose; transportation; when provided.—

(1) School boards, after considering recommendations of the superintendent:

(e) Shall provide necessary transportation to pregnant students or student parents, and the children of those students, as part of a teenage parent program pursuant to s. 230.2316 ~~230.2316~~.

Section 60. Paragraph (c) of subsection (2) of section 236.013, Florida Statutes, is amended to read:

236.013 Definitions.—Notwithstanding the provisions of s. 228.041, the following terms are defined as follows for the purposes of this act:

(2) A "full-time equivalent student" in each program of the district is defined in terms of full-time students and part-time students as follows:

(c)1. A "full-time equivalent student" is:

a. A full-time student in any one of the programs listed in s. 236.081(1)(c); or

b. A combination of full-time or part-time students in any one of the programs listed in s. 236.081(1)(c) which is the equivalent of one full-time student based on the following calculations:

(I) A full-time student, except a postsecondary or adult student or a senior high school student enrolled in adult education when such courses are required for high school graduation, in a combination of programs listed in s. 236.081(1)(c) shall be a fraction of a full-time equivalent membership in each special program equal to the number of net hours per school year for which he is a member, divided by the appropriate number of hours set forth in subparagraph (a)1. or subparagraph (a)2.; the difference between that fraction or sum of fractions and the maximum value as set forth in subsection (5) for each full-time student is presumed to be the balance of the student's time not spent in such special education programs and shall be recorded as time in the appropriate basic program.

(II) A student in the basic half-day kindergarten program of not less than 450 net hours shall earn one-half of a full-time equivalent membership.

(III) A half-day kindergarten student in a combination of programs listed in s. 236.081(1)(c) is a fraction of a full-time equivalent membership in each special program equal to the number of net hours or major portion thereof per school year for which he is a member divided by the number of hours set forth in sub-sub-subparagraph (II); the difference between that fraction and the number of hours set forth in sub-sub-subparagraph (II) for each full-time student in membership in a half-day

kindergarten program is presumed to be the balance of the student's time not spent in such special education programs and shall be recorded as time in the appropriate basic program.

(IV) A part-time student, except a postsecondary or adult student, is a fraction of a full-time equivalent membership in each basic and special program equal to the number of net hours or major fraction thereof per school year for which he is a member, divided by the appropriate number of hours set forth in subparagraph (a)1. or subparagraph (a)2.

(V) A postsecondary or adult student or a senior high school student enrolled in adult education when such courses are required for high school graduation is a portion of a full-time equivalent membership in each special program equal to the net hours or major fraction thereof per fiscal year for which he is a member, divided by the appropriate number of hours set forth in subparagraph (a)1. or subparagraph (a)2.

(VI) A full-time student who is part of a program authorized by subparagraph (a)3. in a combination of programs listed in s. 236.081(1)(c) is a fraction of a full-time equivalent membership in each regular or special program equal to the number of net hours per school year for which he is a member, divided by the appropriate number of hours set forth in subparagraph (a)1. or subparagraph (a)2.

(VII) A prekindergarten handicapped student shall meet the requirements specified for kindergarten students.

2. A student in membership in a program scheduled for more or less than 180 school days is a fraction of a full-time equivalent membership equal to the number of instructional hours in membership divided by the appropriate number of hours set forth in subparagraph (a)1.; however, for the purposes of this subparagraph, membership in programs scheduled for more than 180 days is limited to:

a. Special programs for exceptional students;

b. Special vocational-technical programs;

c. Special adult general education programs;

d. Dropout prevention programs provided for those students who were in membership in ~~teenage parent~~, substance abuse, or youth services programs as defined in s. 230.2316 or *teenage parent programs as defined in s. 230.2316* and are in need of such additional instruction;

e. The Florida Primary Education Program or an approved alternative, as provided in s. 230.2312, for those students who were receiving preventive instructional strategies for at least 45 days of the 180-day term and are in need of additional instruction or kindergarten through fifth grade limited English proficient students enrolled in, or eligible for, English for speakers of other languages;

f. The Florida Progress in Middle Childhood Education Program for those students in grades 6 through 8 who have failed one or more subjects; and for those students in grade 4 or grade 5 who were receiving the preventive instructional strategies for at least 45 days of the 180-day term and are in need of such additional instruction;

g. Students-at-risk programs provided for those students who were in membership in an educational alternative or disciplinary program in dropout prevention programs as defined in s. 230.2316 or programs in English for speakers of other languages as defined in s. 233.058 for all of the last 15 days of the 180-day term or a total of 30 days within the 180-day term and are in need of such additional instruction;

h. Other basic programs offered for promotion or credit instruction as defined by rules of the state board; and

i. Programs which modify the school year to accommodate the needs of children who have moved with their parents for the purpose of engaging in the farm labor or fish industries, provided such programs are approved by the commissioner.

The department shall determine and implement an equitable method of equivalent funding for experimental schools and for schools operating under emergency conditions, which schools have been approved by the department under the provisions of s. 228.041(13) to operate for less than the minimum school day.

Section 61. Paragraph (f) of subsection (1) of section 236.083, Florida Statutes, is amended to read:

236.083 Funds for student transportation.—The annual allocation to each district for transportation to public school programs of students in membership in kindergarten through grade 12, in migrant and exceptional student programs below kindergarten, and in any other state-funded prekindergarten program shall be determined as follows:

(1) Subject to the rules of the state board, each district shall determine the membership of students who are transported:

(f) By reason of being a pregnant student or student parent, and the child of a student parent as provided in s. 230.23166 230.2316, regardless of distance from school.

Section 62. The repeal of s. 230.2316(4)(b), Florida Statutes, relating to teenage parent programs, shall be contingent upon the enactment of s. 230.23166, Florida Statutes, relating to teenage parent programs.

Section 63. Subsection (25) of section 228.041, Florida Statutes, is amended to read:

228.041 Definitions.—Specific definitions shall be as follows, and wherever such defined words or terms are used in the Florida School Code, they shall be used as follows:

(25) SUSPENSION.—

(a) Suspension, also referred to as out-of-school suspension, is the temporary removal of a student from all classes of instruction on public school grounds and all other school-sponsored activities, except as authorized by the principal or the principal's designee, ~~his regular school program~~ for a period not to exceed 10 school days.

(b) In-school suspension is the temporary removal of a student from the student's regular school program and placement in an alternative program, such as that provided in s. 230.2316, under the supervision of school district personnel, for a period not to exceed 10 school days.

Section 64. Paragraph (c) of subsection (6) of section 230.23, Florida Statutes, is amended to read:

230.23 Powers and duties of school board.—The school board, acting as a board, shall exercise all powers and perform all duties listed below:

(6) CHILD WELFARE.—Provide for the proper accounting for all children of school age, for the attendance and control of pupils at school, and for proper attention to health, safety, and other matters relating to the welfare of children in the following fields, as prescribed in chapter 232.

(c) Control of pupils.—

1. Adopt rules and regulations for the control, discipline, in-school suspension, suspension, and expulsion of pupils and decide all cases recommended for expulsion. Such rules shall clearly specify disciplinary action that shall be imposed if a student possesses alcoholic beverages or electronic telephone pagers or is involved in the illegal use, sale, or possession of controlled substances, as defined in chapter 893, on school property or while attending a school function. School boards are encouraged to include in these provisions alternatives to expulsion and suspension such as in-school suspension and guidelines on identification and referral of students to alcohol and substance abuse treatment agencies. Suspension hearings are exempted from the provisions of chapter 120. Expulsion hearings shall be governed by s. 120.57(2) and are exempt from s. 286.011. However, the pupil's parent or legal guardian must be given notice of the provisions of s. 286.011 and may elect to have the hearing held in compliance with that section. The school board shall have the authority to prohibit the use of corporal punishment, provided that the school board adopts or has adopted a written program of alternative control or discipline, which may include, but is not limited to, timeout rooms, in-school suspension, student peer review, parental involvement, and other forms of positive reinforcement, such as classes on appropriate classroom behavior.

2. Have the authority as the school board of a receiving school district to honor the final order of expulsion of a student by another school board in accordance with the following procedures:

a. A final order of expulsion shall be recorded in the records of the receiving school district.

b. The expelled student applying for admission to the receiving school district shall be advised of the final order of expulsion.

c. The superintendent of schools of the receiving school district may recommend to the school board that the final order of expulsion be waived and the student be admitted to the school district, or that the final order of expulsion be honored and the student not be admitted to the school district. If the student is admitted by the school board, with or without the recommendation of the superintendent, the student may be placed in an appropriate educational program at the direction of the school board.

(d) Code of student conduct.—Adopt a code of student conduct for elementary schools and a code of student conduct for secondary schools and distribute the appropriate code to all teachers, school personnel, students, and parents or guardians, at the beginning of every school year. A district may compile the code of student conduct for elementary schools and the code of student conduct for secondary schools in one publication and distribute the combined codes to all teachers, school personnel, students, and parents or guardians at the beginning of every school year. Each code of student conduct shall be developed by the school board; elementary or secondary school teachers and other school personnel, including school administrators; students; and parents or guardians. The code of student conduct for elementary schools shall parallel the code for secondary schools. Each code shall be organized and written in language which is understandable to students and parents and shall be discussed at the beginning of every school year in student classes, school advisory councils, and parent and teacher associations. Each code shall be based on the rules governing student conduct and discipline adopted by the school board and be made available in the student handbook or similar publication. Each code shall include, but not be limited to:

1. Consistent policies and specific grounds for disciplinary action, including in-school suspension, out-of-school suspension, expulsion, any disciplinary action that may be imposed for the possession or use of alcohol on school property or while attending a school function or for the illegal use, sale, or possession of controlled substances as defined in chapter 893.

2. Procedures to be followed for acts requiring discipline, including corporal punishment.

3. An explanation of the responsibilities and rights of students with regard to attendance, respect for persons and property, knowledge and observation of rules of conduct, the right to learn, free speech and student publications, assembly, privacy, and participation in school programs and activities.

4. Notice that illegal use, possession, or sale of controlled substances, as defined in chapter 893, ~~or weapons or firearms~~, or possession of electronic telephone pagers, by any student while such student is upon school property or in attendance at a school function is grounds for in-school suspension, out-of-school suspension, expulsion, or imposition of other disciplinary action by the school and may also result in criminal penalties being imposed.

5. Notice that the possession of a firearm, a knife, a weapon, or an item which can be used as a weapon by any student while the student is on school property or in attendance at a school function is grounds for disciplinary action and may also result in criminal prosecution.

6. Notice that violence against any school district personnel by a student is grounds for in-school suspension, out-of-school suspension, expulsion, or imposition of other disciplinary action by the school and may also result in criminal penalties being imposed.

7. Notice that violation of school board transportation policies, including disruptive behavior on a school bus or at a school bus stop, by a student is grounds for suspension of the student's privilege of riding on a school bus and may be grounds for in-school suspension, out-of-school suspension, expulsion, or imposition of other disciplinary action by the school and may also result in criminal penalties being imposed.

8. Notice that violation of the school board's sexual harassment policy by a student is grounds for in-school suspension, out-of-school suspension, expulsion, or imposition of other disciplinary action by the school and may also result in criminal penalties being imposed.

Section 65. Paragraph (c) of subsection (8) of section 230.33, Florida Statutes, is amended to read:

230.33 Duties and responsibilities of superintendent.—The superintendent shall exercise all powers and perform all duties listed below and elsewhere in the law; provided, that in so doing he shall advise and coun-

sel with the school board. The recommendations, nominations, proposals, and reports required by law and rule to be made to the school board by the superintendent shall be either recorded in the minutes or shall be made in writing, noted in the minutes, and filed in the public records of the board. It shall be presumed that, in the absence of the record required in this paragraph, the recommendations, nominations, and proposals required of the superintendent were not contrary to the action taken by the school board in such matters.

(8) CHILD WELFARE.—Recommend plans to the school board for the proper accounting for all children of school age, for the attendance and control of pupils at school, for the proper attention to health, safety, and other matters which will best promote the welfare of children in the following fields, as prescribed in chapter 232:

(a) Admission, classification, promotion, and graduation of pupils.—Recommend rules and regulations for admitting, classifying, promoting, and graduating pupils to or from the various schools of the district.

(b) Enforcement of attendance laws.—Recommend plans and procedures for the enforcement of all laws and regulations relating to the attendance of pupils at school and for the employment of such qualified assistants as may be needed by him to enforce effectively those laws.

(c) Control of pupils.—Propose rules and regulations for the control, discipline, *in-school suspension*, suspension, and expulsion of pupils and review and modify recommendations for suspension and expulsion of pupils and transmit to the school board for action recommendations for expulsion of pupils. When the superintendent makes a recommendation for expulsion to the school board, he shall give written notice to the pupil and his parent or guardian of the recommendation, setting forth the charges against the pupil and advising the pupil and his parent or guardian of his right to due process as prescribed by s. 120.57(2). When school board action on a recommendation for the expulsion of a pupil is pending, the superintendent may extend the suspension assigned by the principal beyond 10 school days if such suspension period expires before the next regular or special meeting of the school board.

Section 66. Subsection (1) of section 230.335, Florida Statutes, is amended to read:

230.335 Notification of superintendent of certain *charges against* or convictions of students or employees.—

(1)(a) Notwithstanding the provisions of s. 39.045(8) or any other provision of law to the contrary, a law enforcement agency shall, within 48 hours of the arrest, notify the appropriate superintendent of schools of the name and address of any employee of the school district who is charged with ~~arrested for~~ a felony or with a misdemeanor involving the abuse of a minor child or the sale or possession of a controlled substance. The notification shall include the specific charge for which the employee of the school district was arrested.

(b) Notwithstanding the provisions of s. 39.045(8) or any other provision of law to the contrary, the court shall, within 48 hours of the finding, notify the appropriate superintendent of schools of the name and address of any student found to have committed a delinquent act, or who has had adjudication of a delinquent act withheld which, if committed by an adult, would be a felony, or the name and address of any student found guilty of a felony. Notification shall include the specific delinquent act found to have been committed or for which adjudication was withheld, or the specific felony for which the student was found guilty.

Section 67. Section 232.26, Florida Statutes, is amended to read:

232.26 Authority of principal.—

(1)(a) Subject to law and to the rules of the state board and the district school board, the principal in charge of the school or the principal's designee ~~his designated representative~~ shall develop policies for delegating by which he may delegate to any teacher or other member of the instructional staff or to any bus driver transporting students of the school such responsibility for the control and direction of students as he may consider desirable.

(b) The principal or the principal's designee ~~his designated representative~~ may suspend a student only in accordance with the rules of the district school board. The principal or the principal's designee shall make a good faith effort to immediately inform a student's parent or guardian by telephone of a student's suspension and the reasons for the suspension. Each ~~and each~~ suspension and the reasons for the suspen-

sion shall be reported in writing within 24 hours, with the reasons therefor, to the student's parent or guardian by United States mail. Each suspension and the reasons for the suspension shall also be reported in writing within 24 hours and to the superintendent. A good faith effort shall be made by the principal or the principal's designee to employ parental assistance or other alternative measures prior to suspension, except in the case of emergency or disruptive conditions which require immediate suspension or in the case of a serious breach of conduct as defined by rules of the district school board. Such rules shall require oral and or written notice to the student of the charges and an explanation of the evidence against him or her prior to the suspension. ~~against him and, if he denies the charges, an explanation to him of the evidence against him~~ Each student shall be given and an opportunity for him to present his or her side of the story. No student who is required by law to attend school shall be suspended for unexcused tardiness, lateness, absence or truancy. The principal or the principal's designee ~~his designated representative~~ may suspend any student transported to or from school at the public expense from the privilege of riding on a school bus for violation of school board transportation policies, which shall include a policy regarding behavior at school bus stops, and, the principal or the principal's designee shall give ~~his designated representative~~ giving notice in writing to the student's parent or guardian and to the superintendent within 24 hours. School personnel shall not be held legally responsible for suspensions of students made in good faith.

(c) The principal or the principal's designee ~~his designated representative~~ may recommend to the superintendent the expulsion of any student who has committed a serious breach of conduct, including, but not limited to, willful disobedience, open defiance of authority of a member of his staff, violence against persons or property, or any other act which substantially disrupts the orderly conduct of the school. Any recommendation of expulsion shall include a detailed report by the principal or his designated representative on the alternative measures taken prior to the recommendation of expulsion.

(d) The principal or the principal's designee ~~his designated representative~~ shall include an analysis of suspensions and expulsions in the annual report of school progress.

(2) Suspension proceedings, pursuant to rules of promulgated by the State Board of Education, may be initiated against any pupil enrolled as a student who is formally charged with a felony, or with a delinquent act which would be a felony if committed by an adult, by a proper prosecuting attorney for an incident which allegedly occurred on property other than public school property, if that incident is shown, in an administrative hearing with notice provided to the parents or legal guardian or custodian of such pupil by the principal of the school pursuant to rules promulgated by the State Board of Education and to rules developed pursuant to s. 231.085, to have an adverse impact on the educational program, discipline, or welfare in the school in which the student is enrolled. Any pupil who is suspended as the result of such proceedings may be suspended from all classes of instruction on public school grounds during regular classroom hours for a period of time, which may exceed 10 days, as determined by the superintendent. Such suspension shall not affect the delivery of educational services to the pupil, and the pupil shall be immediately enrolled in a daytime alternative education program, or an evening alternative education program, where appropriate. If the pupil is not subsequently adjudicated delinquent or found guilty, the suspension shall be terminated immediately. If the pupil is found guilty of a felony, the superintendent shall have the authority to determine if a recommendation for expulsion shall be made to the school board; however, such suspension or expulsion shall not affect the delivery of educational services to the pupil in any residential or nonresidential program outside the public school. Any pupil who is subject to discipline or expulsion for unlawful possession or use of any substance controlled under chapter 893 shall be entitled to a waiver of the discipline or expulsion:

(a) If he divulges information leading to the arrest and conviction of the person who supplied such controlled substance to him, or if he voluntarily discloses his unlawful possession of such controlled substance prior to his arrest. Any information divulged which leads to such arrest and conviction is not admissible in evidence in a subsequent criminal trial against the pupil divulging such information.

(b) If the pupil commits himself, or is referred by the court in lieu of sentence, to a state-licensed drug abuse program and successfully completes the program.

(3) Any recommendation for the expulsion of a handicapped student shall be made in accordance with the rules promulgated by the State Board of Education.

(4) *For any out-of-school suspension or expulsion, effective with the beginning of the school year 1995-1996, the school district must arrange for the child's alternative education program and must pay the cost thereof, not to exceed the amount earned by the student in the Florida Education Finance Program (FEFP).*

Section 68. Section 230.2301, Florida Statutes, is created to read:

230.2301 Parents may be accompanied.—At any parent-teacher conference, parent-principal conference, exceptional student staffing meeting, suspension process, expulsion hearing, or other school or school district deliberation at which a student's parent or guardian is present, the parent or guardian shall have the option of being accompanied by another adult of his or her choice to serve as advocate, translator, or supporter for the parent or guardian and student.

Section 69. Effective upon this act becoming a law, section 232.258, Florida Statutes, is created to read:

232.258 School and community resource grants.—

(1) SHORT TITLE.—This section may be cited as the "School and Community Resource Grant Program."

(2) INTENT.—The Legislature recognizes that after-school programs that capture the attention of the age group for which they are intended, hold the students' interest, and are developmentally appropriate are the most successful. The Legislature recognizes that after-school programs can increase communication between school personnel and parents, as well as provide students a safe, after-school environment and opportunities for personal enrichment and academic improvement. The Legislature also recognizes that Florida's communities and school districts are largely untapped resources through which after-school programs can be provided. In particular, school facilities represent a public capital investment which can be more fully utilized. Further, the Legislature recognizes that effective after-school programs can meet the needs of students and the local community, as well as assist the students in making appropriate life-style choices. Therefore, it is the belief of the Legislature that one of the best investments of scarce community and state resources which promotes the general welfare of Florida's young adolescents age 10 through 15 years is structured and well-supervised after-school programs. It is the intent of the Legislature to authorize and encourage each community in cooperation with its district school board to establish comprehensive, after-school programs for young adolescents based upon identified needs of adolescents and families in the community. Further, it is the intent of the Legislature that this section be liberally construed so as to permit district school boards to cooperate, collaborate, and contract with public and nonpublic community organizations to establish and operate innovative after-school programs that capture the attention of young adolescents, hold their interest, and are developmentally appropriate.

(3) APPLICATION.—

(a) To be eligible for a school and community resource grant, a proposal for planning, implementing, and evaluating an after-school program for students age 10 through 15 years shall be submitted annually by each district school board, or by a public or private community organization designated by the school board, to the Department of Education for review and approval.

(b) The proposal shall identify locations where after-school program services will be provided, which may include public school property or other sites appropriate for the kinds of activities proposed. If an after-school program will be located at a school site, the program shall be incorporated into the school improvement plan by the school advisory council.

(c) The proposal shall describe how the district school board and community organizations will collaborate and coordinate their resources to provide the continuum of services described in this section. The community organizations may include any local, state, or federal agency or any other public or private organization or business within the community. All entities involved in providing care, services, facilities, and other components of the after-school program shall enter into a written agreement which shall at a minimum provide for the use and maintenance of equipment and facilities, as well as specify the contributions of each collaborator. School boards are encouraged to contract with existing programs.

(d) The proposal shall include the estimated number of participants in the program, including the estimated number of economically disadvantaged participants based on their eligibility for free or reduced-price lunch. Strategies for marketing and encouraging participation in the program shall be included in the proposal. It is strongly encouraged that students representing the targeted age group participate in the program planning and student recruitment process.

(e) The proposal shall include how the program will address activities such as:

1. Recreational activities, such as intramural sports and the arts and other appropriate fitness and leisure activities.
2. Study time and the opportunity to receive assistance with school work.
3. Other developmentally appropriate activities, including time to socialize, read, and engage in other self-directed activities or prevention activities, including conflict resolution, mediation, and family living skills.

(4) ALLOCATION.—

(a) School and community resource grants shall provide core funding for after-school programs for students age 10 to 15 years.

(b) The amount available to each school district shall be calculated by the department based on available funding which may be provided in an appropriation.

(c) The department shall establish application guidelines and procedures for awarding school and community resource grants to implement this section. The department shall issue a request for proposals for grants and shall begin receiving applications no later than June 15, 1994, for the 1994-1995 fiscal year. Funds for which an application has not been received by November 1, 1994, shall be reallocated by the department based on a review of the original grant applications.

(d) In each fiscal year thereafter, the department shall establish such guidelines, procedures, and deadlines as are appropriate to make funding available for after-school programs at the beginning of each school year to each school district. However, funds for which no application has been received by November 1 shall be reallocated by the department to:

1. Community organizations in districts which did not submit an application.
2. Districts that did submit an application based on a review of the districts' original grant applications.

(e) Evaluation of the school and community resource grant program shall include a reporting of the overall participation rates in the after-school programs, the participation rate of disadvantaged students, and the quality of the after-school program based on the responses of children and families who used the program as well as those who did not.

(f) The department may contract for technical assistance services for the development and continuation of after-school programs established under this section.

(g) Enrollment in after-school programs funded through this section may be increased through contracts and grants from local, state, and federal agencies and any other organization or business within the community.

(h) Enrollment in after-school programs funded through this section may be increased through user fees which may be based on a sliding scale for students who do not qualify for the free or reduced-price lunch program or are not awarded a position under the grant.

(5) PROGRAM COMPONENTS.—The grants may be used to establish or enhance existing programs, both before and after school, and on weekdays, weekends, and during school vacations depending upon identified needs of adolescents and families in the community. Grants shall be used to provide tuition costs for students eligible for the free or reduced-price lunch program. Tuition provided through grants and from other public and private sources may be used for, but are not limited to, providing:

(a) Diverse personnel to operate the program, including, but not limited to, school district employees, parks and recreation staff, college students, parents, and private instructors in music, the arts, recreation, and other appropriate areas of interest to students age 10 to 15 years.

- (b) Necessary supplies and equipment to implement the program.
- (c) Health services.
- (d) Meals.
- (e) Transportation.
- (f) Security, maintenance, and custodial services.

(6) **FACILITIES.**—Facilities utilized for after-school programs pursuant to this section shall meet the State Uniform Building Code for Public Educational Facilities Construction in accordance with s. 235.26, or shall meet the applicable state minimum building codes pursuant to chapter 553 and state minimum fire protection codes pursuant to s. 633.025 as adopted by the authority in whose jurisdiction the facility is located. Facilities shall be inspected and brought into conformance with the building and fire safety codes prior to occupancy. School facilities shall not be required to be licensed by the Department of Health and Rehabilitative Services as child care centers.

(7) **PERSONNEL.**—Personnel employed in after-school programs established pursuant to this section shall not be required to be certified pursuant to s. 231.17, but shall comply with the screening requirement pursuant to ss. 231.02(2) and 231.1713.

Section 70. Effective upon this act becoming a law, section 233.0615, Florida Statutes, is amended to read:

233.0615 *Character development and law education program.*—

(1) There is hereby created a *character development and law education program*, which program ~~may be shall be administered by the Commissioner of Education in cooperation with The Florida Bar and other appropriate organizations and agencies pursuant to rules adopted by the State Board of Education. Such program may be implemented and conducted in each any public school under pursuant to a proposal developed and approved pursuant to subsection (2).~~

(2) Each ~~program must district school board, or each principal through the district school board, may submit to the commissioner for approval a proposal for implementing and conducting the law education program. Priority shall be given to proposals for implementing and conducting the program in the elementary grades. Each proposal shall be developed with the assistance of the district advisory councils, school advisory councils, and those agencies and organizations which are concerned with law education or with the criminal and juvenile justice systems of the state and shall include, but is not limited to:~~

(a) *Instruction concerning the common duties and obligations necessary to ensure and promote an orderly, lawful, moral, and civil society, thereby enhancing collective security and well-being. Instruction must be included in the traditional values of self-restraint, obedience to the law, sobriety, honesty, truthfulness, the work ethic, financial self-support, reverence for the institution of the family, and importance of marriage, preference that children be born within a loving marital relationship, chastity, fidelity, the need for children to have positive parental influences, the responsibility of both parents for the upbringing of their children, and respect for authority;*

(b) ~~(a)~~ Provisions for instruction in the rights, *obligations*, and duties of citizens under the law and under the state and federal constitutions, with particular emphasis on the consequences to the individual and for society of disobedience of the law;

(c) ~~(b)~~ When necessary, provisions for inservice training programs in ~~law education~~ for teachers, administrators, and other personnel, *to fully administer this section;*

(d) ~~(e)~~ Provisions for enlisting, *when necessary*, the involvement of governmental agencies and private organizations in order to ensure the use of all available resources in the implementation of the program; *and*

(e) *Provisions for the parents of school children enrolled in the program to be involved in the program where appropriate.*

~~(d) Information concerning the number of teachers and students to be involved, the estimated cost of the project, and the number of years for which it is to be funded;~~

~~(e) Provisions for evaluation of the program, and for its integration into the general curricula and financial program of the school district at the end of the funded term of years; and~~

~~(f) Such other information and provisions as shall be required by the commissioner.~~

~~(3) For those programs approved, the commissioner shall authorize distribution of funds from funds available to the Department of Education for law education programs.~~

Section 71. Section 316.635, Florida Statutes, is amended to read:

316.635 Courts having jurisdiction over traffic violations; powers relating to custody and detention of minors.—

(1) *As used in this section, the term "minor" means a child under the age of 16 years.* A court which has jurisdiction over traffic violations shall have original jurisdiction in the case of any minor who is alleged to have committed a violation of law or of a county or municipal ordinance pertaining to the operation of a motor vehicle; however, any traffic offense that is punishable by law as a felony shall be under the jurisdiction of the circuit court.

(2) If a minor is arrested for the commission of a criminal traffic offense and transportation is necessary, the minor shall not be placed in any police car or other vehicle which at the same time contains an adult under arrest, except upon special order of the circuit court. However, if the minor is alleged to have participated with an adult in the same offense or transaction, the minor may be transported in the same vehicle with the adult.

(3) If a minor is taken into custody for a criminal traffic offense or a violation of chapter 322 and the minor does not demand to be taken before a magistrate, the arresting officer or booking officer shall immediately notify, or cause to be notified, the minor's parents, guardian, or responsible adult relative of the action taken. After making every reasonable effort to give notice, the arresting officer or booking officer may:

(a) Issue a notice to appear pursuant to chapter 901 and release the minor to a parent, guardian, responsible adult relative, or other responsible adult;

(b) Issue a notice to appear pursuant to chapter 901 and release the minor pursuant to s. 903.06;

(c) Issue a notice to appear pursuant to chapter 901 and deliver the minor to an appropriate substance abuse treatment or rehabilitation facility or refer the minor to an appropriate medical facility as provided in s. 901.29. If the minor cannot be delivered to an appropriate substance abuse treatment or rehabilitation facility or medical facility, the arresting officer may deliver the minor to an appropriate intake office of the Department of Health and Rehabilitative Services, which shall take custody of the minor and make any appropriate referrals; or

(d) If the violation constitutes a felony and the minor cannot be released pursuant to s. 903.03, transport and deliver the minor to an appropriate Department of Health and Rehabilitative Services intake office. Upon delivery of the minor to the intake office, the department shall assume custody and proceed pursuant to chapter 39.

If action is not taken pursuant to paragraphs (a)-(d), the minor shall be delivered to the Department of Health and Rehabilitative Services, and the department shall make every reasonable effort to contact the parents, guardian, or responsible adult relative to take custody of the minor. If there is no parent, guardian, or responsible adult relative available, the department may retain custody of the minor for up to 24 hours.

Section 72. Section 322.055, Florida Statutes, is amended to read:

322.055 Revocation or suspension of, or delay of eligibility for, driver's license for persons 16 ~~18~~ years of age or older convicted of certain drug offenses.—

(1) Notwithstanding the provisions of s. 322.28, upon the conviction of a person 16 ~~18~~ years of age or older for possession or sale of, trafficking in, or conspiracy to possess, sell, or traffic in a controlled substance, the court shall direct the department to revoke the driver's license or driving privilege of the person. The period of such revocation shall be 2 years or until the person is evaluated for and, if deemed necessary by the evaluating agency, completes a drug treatment and rehabilitation program approved or regulated by the Department of Health and Rehabilitative Services. However, the court may, in its sound discretion, direct the department to issue a license for driving privileges restricted to business or employment purposes only, as defined by s. 322.271, if the person is otherwise qualified for such a license.

(2) If a person 16 18 years of age or older is convicted for the possession or sale of, trafficking in, or conspiracy to possess, sell, or traffic in a controlled substance and such person is eligible by reason of age for a driver's license or privilege, the court shall direct the department to withhold issuance of such person's driver's license or driving privilege for a period of 2 years after the date the person was convicted or until the person is evaluated for and, if deemed necessary by the evaluating agency, completes a drug treatment and rehabilitation program approved or regulated by the Department of Health and Rehabilitative Services. However, the court may, in its sound discretion, direct the department to issue a license for driving privileges restricted to business or employment purposes only, as defined by s. 322.271, if the person is otherwise qualified for such a license.

(3) If a person 16 18 years of age or older is convicted for the possession or sale of, trafficking in, or conspiracy to possess, sell, or traffic in a controlled substance and such person's driver's license or driving privilege is already under suspension or revocation for any reason, the court shall direct the department to extend the period of such suspension or revocation by an additional period of 2 years or until the person is evaluated for and, if deemed necessary by the evaluating agency, completes a drug treatment and rehabilitation program approved or regulated by the Department of Health and Rehabilitative Services. However, the court may, in its sound discretion, direct the department to issue a license for driving privileges restricted to business or employment purposes only, as defined by s. 322.271, if the person is otherwise qualified for such a license.

(4) If a person 16 18 years of age or older is convicted for the possession or sale of, trafficking in, or conspiracy to possess, sell, or traffic in a controlled substance and such person is ineligible by reason of age for a driver's license or driving privilege, the court shall direct the department to withhold issuance of such person's driver's license or driving privilege for a period of 2 years after the date that he would otherwise have become eligible or until he becomes eligible by reason of age for a driver's license and is evaluated for and, if deemed necessary by the evaluating agency, completes a drug treatment and rehabilitation program approved or regulated by the Department of Health and Rehabilitative Services. However, the court may, in its sound discretion, direct the department to issue a license for driving privileges restricted to business or employment purposes only, as defined by s. 322.271, if the person is otherwise qualified for such a license.

(5) Each clerk of court shall promptly report to the department each conviction for the possession or sale of, trafficking in, or conspiracy to possess, sell, or traffic in a controlled substance.

Section 73. For the purpose of incorporating the amendment to s. 322.056, Florida Statutes, in references thereto, the sections or subdivisions of Florida Statutes set forth below are reenacted to read:

322.05 Persons not to be licensed.—The department shall not issue any license:

(9) To any person who is ineligible under s. 322.056.

562.11 Selling, giving, or serving alcoholic beverages to person under age 21; misrepresenting or misstating age or age of another to induce licensee to serve alcoholic beverages to person under 21; penalties.—

(2) It is unlawful for any person to misrepresent or misstate his age or the age of any other person for the purpose of inducing any licensee or his agents or employees to sell, give, serve, or deliver any alcoholic beverages to a person under 21 years of age.

(c) In addition to any other penalty imposed for a violation of this subsection, if a person uses a driver's license or identification card issued by the Department of Highway Safety and Motor Vehicles in violation of this subsection, the court:

1. May order the person to participate in public service or a community work project for a period not to exceed 40 hours; and

2. Shall direct the Department of Highway Safety and Motor Vehicles to withhold issuance of, or suspend or revoke, the person's driver's license or driving privilege, as provided in s. 322.056.

562.111 Possession of alcoholic beverages by persons under age 21 prohibited.—

(2) In addition to any other penalty imposed for a violation of subsection (1), the court shall direct the Department of Highway Safety and Motor Vehicles to withhold issuance of, or suspend or revoke, the violator's driver's license or driving privilege, as provided in s. 322.056.

Section 74. Section 322.056, Florida Statutes, is amended to read:

322.056 Mandatory revocation or suspension of, or delay of eligibility for, driver's license for persons under age 16 18 found guilty of certain alcohol or drug offenses.—

(1) Notwithstanding the provisions of s. 322.055, if a person under 16 18 years of age is found guilty of or delinquent for a violation of s. 562.11(2), s. 562.111, or chapter 893, and:

(a) The person is eligible by reason of age for a driver's license or driving privilege, the court shall direct the department to revoke or to withhold issuance of his driver's license or driving privilege for a period of:

1. Not less than 6 months and not more than 1 year for the first violation.

2. Two years, for a subsequent violation.

(b) The person's driver's license or driving privilege is under suspension or revocation for any reason, the court shall direct the department to extend the period of suspension or revocation by an additional period of:

1. Not less than 6 months and not more than 1 year for the first violation.

2. Two years, for a subsequent violation.

(c) The person is ineligible by reason of age for a driver's license or driving privilege, the court shall direct the department to withhold issuance of his driver's license or driving privilege for a period of:

1. Not less than 6 months and not more than 1 year after the date on which he would otherwise have become eligible, for the first violation.

2. Two years after the date on which he would otherwise have become eligible, for a subsequent violation.

(2) A penalty imposed under subsection (1) shall be in addition to any other penalty imposed by law.

Section 75. Subsection (4) of section 316.655, Florida Statutes, is amended, and subsection (5) is added to said section, to read:

316.655 Penalties.—

(4) Any person convicted of a violation of s. 316.027, s. 316.061, s. 316.067, s. 316.072, s. 316.192, s. 316.193, s. 316.1935, s. 316.2045(2), or s. 316.545(1) shall be punished as specifically provided in that section.

(5)(a) If the court finds that a minor committed any violation of any of the provisions of this chapter, the court may also impose one or more of the following sanctions:

1.(a) The court may reprimand or counsel the minor and his parents or guardian.

2.(b) The court may require the minor to attend, for a reasonable period, a traffic school conducted by a public authority.

3.(c) The court may order the minor to remit to the general fund of the local governmental body a sum not exceeding the maximum fine applicable to an adult for a like offense.

4.(d) The court may order the minor to participate in public service or a community work project for a minimum number of hours. A minor who participates in such a work program shall be considered an employee of the state for the purposes of chapter 440.

5.(e) The court may impose a curfew or other restriction on the liberty of the minor for a period not to exceed 6 months.

(b) A willful failure to comply with one or more sanctions imposed pursuant to paragraph (a) shall constitute contempt of court. Upon a finding by the court, after notice and a hearing, that a minor is in contempt of court for willful failure to comply with court ordered sanctions, the court may:

1. For a first contempt, order the minor to serve 3 days in a secure shelter as defined in chapter 39, or if one is not available, in a secure juvenile detention center.

2. For a second or subsequent contempt, the court may order a minor to serve 10 days in a secure shelter center, or if one is not available, in a secure juvenile detention center.

~~However, except for a conviction of a violation of s. 316.027, a minor shall not be imprisoned in an adult detention facility. If a minor is imprisoned for a violation of s. 316.027, under no circumstances shall a minor be placed in the same cell as an adult. The receiving facility shall have adequate staff to supervise and monitor the minor's activities at all times. Nothing in this paragraph prohibits the placing of two or more minors in the same cell.~~

(c) In addition to any sanctions as specified in subsection (4), for the first conviction for a violation of s. 316.193, the court may order the Department of Highway Safety and Motor Vehicles to revoke the minor's driver's license until the minor is 18 years of age. For a second or subsequent conviction for such a violation, the court may order the Department of Highway Safety and Motor Vehicles to revoke the minor's driver's license until the minor is 21 years of age.

(d) A minor who is arrested for a violation of s. 316.193 may not be released from custody until the later of the following events occur:

1. He is no longer under the influence of alcoholic beverages, any chemical substance set forth in s. 877.111, or any substance controlled under chapter 893 and affected to the extent that his normal faculties are impaired;

2. His blood alcohol level is less than 0.05 percent; or

3. Six hours have elapsed from the time he was arrested.

~~(6)(5)~~ In addition to those penalties specified in this section, Drivers convicted of a violation of any offense prohibited by this chapter or any other law of this state regulating motor vehicles may have their driving privileges revoked or suspended by the court if the court finds such revocation or suspension warranted by the totality of the circumstances resulting in the conviction and the need to provide for the maximum safety for all persons who travel on or who are otherwise affected by the use of the highways of the state. In determining whether suspension or revocation is appropriate, the court shall consider all pertinent factors, including, but not limited to, such factors as the extent and nature of the driver's violation of this chapter, the number of persons killed or injured as the result of the driver's violation of this chapter, and the extent of any property damage resulting from the driver's violation of this chapter.

~~(7)(6)~~ In addition to any other penalty provided for violation of the state uniform traffic control law pursuant to this chapter or chapter 318, any county that which participates in an intergovernmental radio communication program approved by the Division of Communications of the Department of Management General Services may assess an additional surcharge of up to \$12.50 for each moving traffic violation, which surcharge must shall be used by the county to fund that county's participation in the program.

Section 76. Section 874.03, Florida Statutes, is amended to read:

874.03 Definitions.—As used in this chapter:

(1) "~~Criminal youth and~~ street gang" means a formal or informal ongoing organization, association, or group of three or more persons who:

(a) Have a common name or common identifying signs, colors, or symbols;

(b) Have members or associates who, individually or collectively, engage in or have engaged in a pattern of ~~criminal youth and~~ street gang activity.

(2) "~~Criminal youth and~~ street gang member" is a person who engages in a pattern of ~~criminal youth and~~ street gang activity and meets two or more of the following criteria:

(a) Admits to *criminal street* gang membership.

(b) Is a youth under the age of 21 years who is identified as a *criminal street* gang member by a parent or guardian.

(c) Is identified as a *criminal street* gang member by a documented reliable informant.

(d) Resides in or frequents a particular *criminal street* gang's area and adopts their style of dress, their use of hand signs, or their tattoos, and associates with known *criminal street* gang members.

(e) Is identified as a *criminal street* gang member by an informant of previously untested reliability and such identification is corroborated by independent information.

(f) Has been arrested more than once in the company of identified *criminal street* gang members for offenses which are consistent with usual *criminal street* gang activity.

(g) Is identified as a *criminal street* gang member by physical evidence such as photographs or other documentation.

(h) Has been stopped in the company of known *criminal street* gang members four or more times.

(3) "~~Pattern of criminal youth and~~ street gang activity" means the commission, attempted commission, or solicitation, by any member or members of a ~~criminal youth and~~ street gang, of two or more felony or violent misdemeanor offenses on separate occasions within a 3-year period, for the purpose of furthering *criminal street* gang activity.

Section 77. Section 874.04, Florida Statutes, is amended to read:

874.04 Pattern of ~~criminal youth and~~ street gang activity; reclassified penalties.—The penalty for any felony or violent misdemeanor shall be reclassified if the commission of such felony or misdemeanor is part of a pattern of ~~criminal youth and~~ street gang activity:

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

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

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

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

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

Section 78. Section 874.08, Florida Statutes, is amended to read:

874.08 Profits, proceeds, and instrumentalities of ~~criminal youth and~~ street gangs; forfeiture.—Any profits, proceeds, or instrumentalities of criminal activity of any ~~criminal youth and~~ street gang shall be subject to seizure and forfeiture under the Florida Contraband Forfeiture Act ~~under pursuant to the provisions of~~ s. 932.704.

Section 79. Paragraph (a) of subsection (1) and subsections (3) and (4) of section 895.02, Florida Statutes, as amended by chapter 93-415, Laws of Florida, are amended to read:

895.02 Definitions.—As used in ss. 895.01-895.08, the term:

(1) "Racketeering activity" means to commit, to attempt to commit, to conspire to commit, or to solicit, coerce, or intimidate another person to commit:

(a) Any crime which is chargeable by indictment or information under the following provisions of the Florida Statutes:

1. Section 210.18, relating to evasion of payment of cigarette taxes.
2. Section 403.727(3)(b), relating to environmental control.
3. Section 409.325, relating to public assistance fraud.
4. Section 409.920, relating to Medicaid provider fraud.
5. ~~Section Sections~~ 410.105 or s. 440.106, relating to workers' compensation.
6. Chapter 517, relating to sale of securities and investor protection.
7. Section 550.235, s. 550.3551, or s. 550.3605, relating to dogracing and horseracing.
8. Chapter 550, relating to jai alai frontons.

9. Chapter 552, relating to the manufacture, distribution, and use of explosives.

10. Chapter 562, relating to beverage law enforcement.

11. Section 655.50, relating to reports of currency transactions, when such violation is punishable as a felony.

12. Chapter 687, relating to interest and usurious practices.

13. Section 721.08, s. 721.09, or s. 721.13, relating to real estate time-share plans.

14. Chapter 782, relating to homicide.

15. Chapter 784, relating to assault and battery.

16. Chapter 787, relating to kidnapping.

17. Chapter 790, relating to weapons and firearms.

18. Section 796.01, s. 796.03, s. 796.04, s. 796.05, or s. 796.07, relating to prostitution.

19. Chapter 806, relating to arson.

20. Chapter 812, relating to theft, robbery, and related crimes.

21. Chapter 815, relating to computer-related crimes.

22. Chapter 817, relating to fraudulent practices, false pretenses, fraud generally, and credit card crimes.

23. Section 827.071, relating to commercial sexual exploitation of children.

24. Chapter 831, relating to forgery and counterfeiting.

25. Chapter 832, relating to issuance of worthless checks and drafts.

26. Section 836.05, relating to extortion.

27. Chapter 837, relating to perjury.

28. Chapter 838, relating to bribery and misuse of public office.

29. Chapter 843, relating to obstruction of justice.

30. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or s. 847.07, relating to obscene literature and profanity.

31. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s. 849.25, relating to gambling.

32. Chapter 874, relating to criminal street gangs.

33.31. Chapter 893, relating to drug abuse prevention and control.

34.32. Chapter 896, relating to offenses related to financial transactions.

35.33. Sections 914.22 and 914.23, relating to tampering with a witness, victim, or informant, and retaliation against a witness, victim, or informant.

36.34. Sections 918.12 and 918.13, relating to tampering with jurors and evidence.

(3) "Enterprise" means any individual, sole proprietorship, partnership, corporation, business trust, union chartered under the laws of this state, or other legal entity, or any unchartered union, association, or group of individuals associated in fact although not a legal entity; and it includes illicit as well as licit enterprises and governmental, as well as other, entities. *A criminal street gang, as defined in s. 874.03, constitutes an enterprise.*

(4) "Pattern of racketeering activity" means engaging in at least two incidents of racketeering conduct that have the same or similar intents, results, accomplices, victims, or methods of commission or that otherwise are interrelated by distinguishing characteristics and are not isolated incidents, provided at least one of such incidents occurred after the effective date of this act and that the last of such incidents occurred within 5 years after a prior incident of racketeering conduct. *An offense committed in another state that is substantially similar to an offense prescribed in paragraph (1)(a) may constitute a predicate offense for purposes of this chapter if the offense meets all other applicable criteria in this section.*

Section 80. For the purpose of incorporating the amendment to s. 895.02, Florida Statutes, in references thereto, the sections or subdivisions of Florida Statutes set forth below are reenacted to read:

27.34 Salaries and other related costs of state attorneys' offices; limitations.—

(1) No county or municipality shall appropriate or contribute funds to the operation of the various state attorneys, except that a county or municipality may appropriate or contribute funds to pay the salary of one assistant state attorney whose sole function shall be to prosecute violations of special laws or ordinances of the county or municipality and may provide persons employed by the county or municipality to the state attorney to serve as special investigators pursuant to the provisions of s. 27.251. However, any county or municipality may contract with the state attorney of the judicial circuit in which such county or municipality is located for the prosecution of violations of county or municipal ordinances. In addition, a county or municipality may appropriate or contribute funds to pay the salary of one or more assistant state attorneys who are trained in the use of the civil and criminal provisions of the Florida RICO Act, chapter 895, and whose sole function is to investigate and prosecute civil and criminal RICO actions when one or more offenses identified in s. 895.02(1)(a) occur within the boundaries of the municipality or county.

655.50 Florida Control of Money Laundering in Financial Institutions Act; reports of transactions involving currency or monetary instruments; when required; purpose; definitions; penalties.—

(3) As used in this section, the term:

(g) "Specified unlawful activity" means any "racketeering activity" as defined in s. 895.02.

896.101 Offense of conduct of financial transaction involving proceeds of unlawful activity; penalties.—

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

(g) "Specified unlawful activity" means any "racketeering activity" as defined in s. 895.02.

Section 81. Section 958.021, Florida Statutes, is amended to read:

958.021 Legislative intent.—The purpose of this act is to improve the chances of correction and successful return to the community of youthful offenders sentenced to imprisonment by providing them with *enhanced* vocational, educational, counseling, or public service opportunities and by preventing their association with older and more experienced criminals during the terms of their confinement. It is the further purpose of this act to encourage citizen volunteers from the community to contribute time, skills, and maturity toward helping youthful offenders successfully reintegrate into the community and to *require encourage* youthful offenders to participate in substance abuse *and other types of* counseling *and programs* at each youthful offender institution. It is the further intent of the Legislature to provide an additional sentencing alternative to be used in the discretion of the court when dealing with offenders who have demonstrated that they can no longer be handled safely as juveniles and who require more substantial limitations upon their liberty to ensure the protection of society.

Section 82. Subsections (3) and (5) of section 958.03, Florida Statutes, are amended to read:

958.03 Definitions.—As used in this act:

(3) "Court" means *a the judge or successor* who designates a defendant as a youthful offender *or such judge's successor in office.*

(5) "Youthful offender" means any person who is sentenced as such by the court *or is classified as such by the department* pursuant to s. 958.04 *or is classified as such by the department.*

Section 83. Subsection (1) of section 958.04, Florida Statutes, is amended to read:

958.04 Judicial disposition of youthful offenders.—

(1) The court may sentence as a youthful offender any person:

(a) Who is at least 18 years of age, or who has been transferred for prosecution to the criminal division of the circuit court pursuant to chapter 39;

(b) Who is found guilty of or who has tendered, and the court has accepted, a plea of *nolo contendere* or guilty to a crime which is, under the laws of this state, a felony if such crime was committed before the defendant's 21st birthday; and

(c) Who has not previously been classified as a youthful offender under the provisions of this act; however, no person who has been ~~sentenced to death found guilty of a capital or life felony~~ may be sentenced as a youthful offender under this act.

Section 84. Effective July 1, 1995, section 958.045, Florida Statutes, is created to read:

958.045 Youthful offender basic training program.—

(1) The department shall develop and implement a basic training program for youthful offenders sentenced or classified by the department as youthful offenders pursuant to this chapter.

(a) The period of time to be served at the basic training program shall be no less than 120 days. The program shall include marching drills, calisthenics, a rigid dress code, manual labor assignments, physical training with obstacle courses, training in decisionmaking and personal development, general education development and adult basic education courses, and drug counseling and other rehabilitation programs.

(b) The department shall adopt rules governing the administration of the youthful offender basic training program, requiring that basic training participants complete a structured disciplinary program, and allowing for a restriction on general inmate population privileges.

(2) Upon receipt of youthful offenders, the department shall screen offenders for the basic training program. To participate, an offender must have no physical limitations which would preclude participation in strenuous activity, must not be impaired, and must not have been previously incarcerated in a state or federal correctional facility. In screening offenders for the basic training program, the department shall consider the offender's criminal history and the possible rehabilitative benefits of "shock" incarceration. If an offender meets the specified criteria and space is available, the department shall request, in writing from the sentencing court, approval to participate in the basic training program. If the person is classified by the department as a youthful offender and the department is requesting approval from the sentencing court for placement in the program, the department shall, at the same time, notify the prosecuting attorney that the offender is being considered for placement in the basic training program. The notice shall explain that the purpose of such placement is diversion from lengthy incarceration when a short "shock" incarceration could produce the same deterrent effect, and that the person given notice may, within 14 days of the mailing of the notice, notify the sentencing court in writing of objections, if any, to the placement of the offender in the basic training program. The sentencing court shall notify the department in writing of placement approval no later than 21 days after receipt of the department's request for placement of the youthful offender in the basic training program. Failure to notify the department within 21 days shall be considered an approval by the sentencing court for placing the youthful offender in the basic training program. The offices of the prosecuting attorneys may develop procedures for notifying each victim that the offender is being considered for placement in the basic training program.

(3) The program shall provide a short incarceration period of rigorous training to offenders who require a greater degree of supervision than community control or probation provides. Basic training programs may be operated in secure areas in or adjacent to adult institutions notwithstanding the provisions of s. 958.11. The program is not intended to divert offenders away from probation or community control but to divert them from long periods of incarceration when a short "shock" incarceration could produce the same deterrent effect.

(4) Upon admittance to the department, an educational and substance abuse assessment shall be performed on each individual youthful offender. Upon admittance to the basic training program, each offender shall have a full substance abuse assessment to determine the offender's need for substance abuse treatment. The educational assessment shall be accomplished through the aid of the Test of Adult Basic Education (TABE) or any other testing instrument approved by the Department of Education, as appropriate. All offenders who have not obtained a high school diploma shall be enrolled in an adult education program designed to aid the offenders in improving their academic skills, and earning a State of Florida high school diploma (GED). Further assessments of the

prior vocational skills and future vocational education shall be provided to the offender. A periodic evaluation shall be made to assess the progress of each offender and upon completion of the basic training program, the assessment and information from the department's record of each offender shall be transferred to a community residential program.

(5)(a) If an offender in the basic training program becomes unmanageable, the department may revoke the offender's gain-time and place the offender in disciplinary confinement for up to 30 days. Upon completion of the disciplinary process, the offender shall be readmitted to the boot camp, except for those offenders who have committed or threatened violent acts. If the offender is terminated from the program, the department may place the offender in the general population to complete the remainder of the offender's sentence. Any period of time in which the offender is unable to participate in the basic training program activities may be excluded from the specified time requirements in the program.

(b) If the offender is unable to participate in the basic training program activities due to medical reasons, certified medical personnel shall examine the offender and shall consult with the basic training program director concerning the offender's termination from the program.

(c) The portion of the sentence served prior to placement in the basic training program shall not be counted toward program completion. Upon the offender's completion of the basic training program, the department shall submit a report to the court that describes the offender's performance. If the offender's performance has been satisfactory, the court shall issue an order modifying the sentence imposed and placing the offender on probation. The term of probation may include placement in a community residential program. If the offender violates the conditions of probation, the court may revoke probation and impose any sentence which it might have originally imposed as a condition of probation.

(6)(a) Upon completion of the basic training program, offenders shall be transferred to a community residential program, and shall reside there for a term designated by department rule. If the basic training program director determines that the offender is not suitable for the community residential program, but is suitable for an alternative postrelease program or release plan, within 30 days prior to program completion the department shall conduct an evaluation of the offender's needs and determine an alternative postrelease program or plan. The department's consideration shall include, but not be limited to, the offender's employment, residence, family situation, and probation or postrelease supervision obligations. Upon the approval of the department, the offender shall be released to an alternative postrelease program or plan.

(b) While in the community residential program, as appropriate, the offender shall engage in gainful employment, and if any, shall pay restitution to the victims. If appropriate, the offender may enroll in substance abuse counseling, and if suitable, shall enroll in a general education development or adult basic education class for the purpose of attaining a State of Florida high school diploma (GED). Upon release from the community residential program, the offender shall remain on probation or other postrelease supervision, and shall abide by the conditions of the offender's probation or postrelease supervision. If upon transfer from the community residential program, the offender has not completed the enrolled educational program, the offender shall continue the educational program until completed. If the offender fails to complete the program, the department may request the court or the control release authority to execute an order returning the offender back to the community residential program until completion of the program.

(7) The department shall implement the basic training program to the fullest extent feasible within the provisions of this section.

(8)(a) The Youthful Offender Program Office shall continuously screen all institutions, facilities, and programs for any inmate who meets the eligibility requirements for youthful offender designation specified in s. 958.04, whose age does not exceed 24 years. The department may classify and assign as a youthful offender any inmate who meets the criteria of s. 958.04.

(b) Youthful offenders who are designated as such by the department and who are assigned to the basic training program must be eligible for control release pursuant to s. 947.146.

(c) The department shall work cooperatively with the Control Release Authority, the Florida Parole Commission, or such other authority as may exist or be established in the future which is empowered by law to effect the release of an inmate who has successfully completed the requirements of the basic training program.

(d) Upon an inmate's completion of the basic training program, the department shall submit a report to the releasing authority that describes the inmate's performance. If the performance has been satisfactory, the release authority shall establish a release date which is within 30 days following program completion. As a condition of release, the inmate shall be placed in a community residential program as provided in this section or on community supervision as provided in chapter 947, and shall be subject to the conditions established therefor.

(9) Upon commencement of the community residential program, the department shall submit annual reports to the Speaker of the House of Representatives, the President of the Senate, and the Governor detailing the extent of implementation of the inmate basic training program and the community residential program, and outlining future goals and any recommendation the department has for future legislative action.

(10) Due to serious and violent crime, the Legislature declares the construction of a basic training program facility is necessary to aid in alleviating an emergency situation.

(11) The department shall provide a special training program for staff selected for the basic training program.

(12) The department is authorized to develop performance-based contracts with qualified individuals, agencies, or corporations for the provision of any or all of the youthful offender programs.

(13) Offenders in the youthful offender basic training program shall be subject to rules of conduct as established by the department and may have sanctions imposed, including loss of privileges, restrictions, disciplinary confinement, alteration of release plans, or other program modifications in keeping with the nature and gravity of the program violation. Administrative or protective confinement, as necessary, may be imposed.

(14) The department is authorized to establish a system of incentives within the youthful offender program which the department may use to promote participation in rehabilitative programs and the orderly operation of the youthful offender institutions and facilities.

(15) The department shall develop a system for tracking recidivism, including, but not limited to, rearrests and recommitment of youthful offenders, and shall report on that system in its annual reports of the programs.

Section 85. The department shall utilize a Diversion Center authorized by chapter 93-184, Laws of Florida, for the community residential program. The Diversion Center shall house only offenders released from the youthful offender basic training program established pursuant to s. 958.045, Florida Statutes.

Section 86. Subsection (4) of section 958.04, Florida Statutes, as amended by chapter 93-406, Laws of Florida, is hereby repealed.

Section 87. Section 958.07, Florida Statutes, is amended to read:

958.07 Presentence report; access by defendant.—The defendant is entitled to an opportunity to present to the court facts which would materially affect the decision of the court to adjudicate the defendant a youthful offender. The defendant, his attorney, and the state shall be entitled to inspect all factual material contained in the *comprehensive* presentence report or diagnostic reports prepared or received by the department. The court may withhold from disclosure to the defendant and his attorney sources of information which have been obtained through a promise of confidentiality. In all cases in which parts of the report are not disclosed, the court shall state for the record the reasons for its action and shall inform the defendant and his attorney that information has not been disclosed.

Section 88. Subsections (1), (4), and (5) of section 958.09, Florida Statutes, are amended to read:

958.09 Extension of limits of confinement.—

(1) The department shall adopt rules permitting the extension of the limits of the place of confinement of a youthful offender when there is reasonable cause to believe that he will honor the trust placed in him. The department may authorize a youthful offender, under prescribed conditions and following investigation and approval by the department which shall maintain a written record of such action, to leave the place of his confinement ~~unaccompanied by a custodial agent~~ for a prescribed period of time:

(a) To visit a designated place or places for the purpose of visiting a dying relative, attending the funeral of a relative, or arranging for employment or for a suitable residence for use when released; to otherwise aid in the correction of the youthful offender; or for another compelling reason consistent with the public interest and to return to the same or another institution or facility designated by the department; or

(b) To work at paid employment, participate in an educational or a training program, or voluntarily serve a public or nonprofit agency or a public service program in the community; provided, that the youthful offender shall be confined except during the hours of his employment, education, training, or service and while traveling thereto and therefrom.

(4) The department may contract with other public and private agencies for the confinement, *treatment, counseling, aftercare*, or community supervision of youthful offenders when consistent with the youthful offenders' welfare and the interest of society.

(5) The department shall document and account for all forms for disciplinary reports for inmates ~~placed on extended limits of confinement~~, which reports shall include, but not be limited to, all violations of rules of conduct, the rule or rules violated, the nature of punishment administered, the authority ordering such punishment, and the duration of time during which the inmate was subjected to confinement. *Administrative rules of the department also apply to youthful offenders.*

Section 89. Subsections (1), (4), (5), and (6) of section 958.11, Florida Statutes, are amended to read:

958.11 Designation of institutions and programs for youthful offenders; assignment from youthful offender institutions and programs.—

(1) The department shall by rule designate separate institutions and programs for youthful offenders and shall employ and utilize personnel specially qualified by training and experience to operate all such institutions and programs for youthful offenders. *Youthful offenders who are at least 14 years of age but who have not yet reached the age of 19 years shall be separated from youthful offenders who are 19 years of age or older, except that if the population of the facilities designated for 14 year-old to 18 year-old youthful offenders exceeds 100 percent of lawful capacity, the department may assign 18 year-old youthful offenders to the 19-24 age group facility.*

(4) The *Office of the Assistant Secretary for Youthful Offenders* ~~youthful offender program office~~ shall continuously screen all institutions, facilities, and programs for any inmate who meets the eligibility requirements for youthful offender designation specified in s. 958.04(1)(a) and (e), whose age does not exceed 24 years ~~and whose total length of sentence does not exceed 10 years~~, and the department may classify and assign as a youthful offender any inmate who meets the criteria of this subsection.

(5) The Population Movement and Control Coordinator shall coordinate all youthful offender assignments or transfers and shall consult with the *Office of the Assistant Secretary for Youthful Offenders* ~~Offender Program Office and the Adult Services Program Office~~. The *Office of the Assistant Secretary for Youthful Offenders* ~~Offender Program Office~~ shall review and maintain access to full and complete documentation and substantiation of all such assignments or transfers of youthful offenders to or from facilities in the state correctional system which are not designated for their care, custody, and control, except assignments or transfers made pursuant to paragraph (3)(c).

(6) The department may assign to a youthful offender facility any inmate, ~~except a capital or life felon, whose age does not exceed 10 years but 18 and~~ who does not otherwise meet the criteria of this section, if the *Assistant Secretary for Youthful Offenders* ~~youthful offender program office~~ determines that such inmate's mental or physical vulnerability would substantially or materially jeopardize his safety in a nonyouthful offender facility. Monthly reports on assignments made under this subsection shall be provided to the President of the Senate and the Speaker of the House of Representatives.

Section 90. Section 958.12, Florida Statutes, is amended to read:

958.12 Participation in certain activities required.—

(1) A youthful offender ~~shall may~~ be required to participate in work assignments, and in vocational, academic, ~~or~~ counseling, and other *rehabilitative programs in accordance with this section, or in public service activities or may be required to secure a G.E.D. certificate including, but not limited to:*

(a) All youthful offenders may be required, as appropriate, to participate in:

1. Reception and orientation.
2. Evaluation, needs assessment, and classification.
3. Educational programs.
4. Vocational and job training.
5. Life and socialization skills training, including anger/aggression control.
6. Prerelease orientation and planning.
7. Appropriate transition services.

(b) In addition to the requirements in paragraph (a), the department shall make available:

1. Religious services and counseling.
2. Social services.
3. Substance abuse treatment and counseling.
4. Psychological and psychiatric services.
5. Library services.
6. Medical and dental health care.
7. Athletic, recreational, and leisure time activities.
8. Mail and visiting privileges.

Income derived by a youthful offender from participation in such activities may be used, in part, to defray a portion of the costs of his incarceration or supervision; to satisfy preexisting obligations; to pay fines, counseling fees, or other costs lawfully imposed; or to pay restitution to the victim of the crime for which the youthful offender has been convicted in an amount determined by the sentencing court. Any such income not used for such reasons or not used as provided in s. 946.513 or s. 958.09 shall be placed in a bank account trust fund for use by the youthful offender upon his release.

(2) A comprehensive transition and postrelease plan shall be developed for the youthful offender by a team consisting of a transition assistance officer, a classification officer, an educational representative, a health services administrator, a probation and parole officer, and the youthful offender.

(3) A youthful offender shall be visited by a probation and parole officer prior to the offender's release from incarceration in order to assist in the youthful offender's transition.

(4) Community partnerships shall be developed by the department to provide postrelease community resources. The department shall develop partnerships with entities which include, but are not limited to, the Department of Labor and Employment Security, the Department of Health and Rehabilitative Services, community health agencies, and school systems.

(5) Supervision of the youthful offender after release from incarceration is required and may be accomplished in a residential or nonresidential program, intensive day treatment, or supervision by a probation and parole officer.

Section 91. Section 958.14, Florida Statutes, is amended to read:

958.14 Violation of probation, control release, or community control, or any other type of early release program.—A violation or alleged violation of probation or the terms of a community control program or control release or any other early release program shall subject the youthful offender to the provisions of s. 948.06(1). However, no youthful offender shall be committed to the custody of the department for a substantive violation for a period longer than the maximum sentence for the offense for which he was found guilty, with credit for time served while incarcerated, or for a technical or nonsubstantive violation for a period longer than 6 years or for a period longer than the maximum sentence for the offense for which he was found guilty, whichever is less, with credit for time served while incarcerated.

Section 92. Section 958.19, Florida Statutes, is hereby repealed.

Section 93. Correctional facilities for youthful offenders.—

(1) The Correctional Privatization Commission is authorized to enter into a contract or contracts in fiscal year 1994-1995 for designing, financing, acquiring, leasing, constructing, and operating three correctional facilities, notwithstanding s. 957.07, Florida Statutes. These three facilities shall be designed to have a capacity of up to 350 beds each and house male inmates sentenced or classified as youthful offenders within the custody of the Department of Corrections under chapter 958, Florida Statutes. Two of these facilities shall be designed to house youthful offenders between the ages of 14 and 18 and one shall be designed to house youthful offenders between the ages of 19 and 24.

(2) These youthful offender facilities shall be designed to provide the optimum capacity for programs for youthful offenders designed to reduce recidivism, including but not limited to: educational and vocational programs, substance abuse and mental health counseling, prerelease orientation and planning, job and career counseling, physical exercise, dispute resolution, and life skills training. In order to assure this quality programming, the commission shall give no more than 30 percent weight to cost in evaluating proposals.

(3) The commission shall specify the area in which each facility will be located and require that each be located in or near a different metropolitan area in areas of the state close to the home communities of the youthful offenders they house in order to assist in the most effective rehabilitation efforts, including family visitation.

Section 94. There is hereby appropriated to the circuit courts from the General Revenue Fund a lump sum of \$1,000,000 and 20 FTEs for one alternative sanctions coordinator in each judicial circuit. The Office of the State Court Administrator shall classify and set the rate for these positions.

Section 95. Requirements with respect to certain gatherings at commercial gathering places; penalty for failure to comply.—

(1) The owner or operator of any night club, dance hall, social hall, or any similar commercial gathering place who conducts any dance or nighttime recreational gathering which is specifically advertised or held out as a "teen dance," "young adult night," or by any other term which indicating that it is primarily designed for or aimed at persons who are 18 years of age or younger shall provide reasonable security at the premises. The term "reasonable security," as used in this section, requires the presence of at least one uniformed security officer for each 75 minors in attendance. The requirements of this section are also applicable to any person or entity who rents any night club, dance hall, social hall, or any similar establishment to conduct any such dance or nighttime recreational gathering.

(2) A person who violates this section commits a noncriminal infraction and is subject to a civil fine of \$1,000 for each separate offense.

Section 96. Effective October 1, 1994, section 784.075, Florida Statutes, is amended to read:

784.075 Battery on detention or commitment facility staff.—A person who commits a battery on an intake counselor or case manager, as defined in s. 39.01(27), on other staff of a detention center or facility as defined in s. 39.01(18), or on a staff member of a commitment facility as defined in s. 39.01(61)(c), or (d), or (e), commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. For purposes of this section, a staff member of the facilities listed includes persons employed by the Department of Juvenile Justice Health and Rehabilitative Services, persons employed at facilities licensed by the Department of Juvenile Justice Health and Rehabilitative Services, and persons employed at facilities operated under a contract with the Department of Juvenile Justice Health and Rehabilitative Services.

Section 97. Interference with juvenile justice and youthful offender system administration, activities, or functions; penalties.—Any person or agency, including but not limited to any employee, agent, or provider of the Department of Health and Rehabilitative Services, the Department of Corrections, or the Privatization Commission, who knowingly, intentionally, and willfully with intent to substantially obstruct, interferes with any administration, activity, or function of the juvenile justice system under part II or part IV of chapter 39, Florida Statutes, or the youthful offender criminal justice system under chapter 958, Florida Statutes, commits the offense of obstruction of justice, a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, Florida Statutes.

Section 98. Any child committed to the department's custody or sentenced pursuant to chapter 958, Florida Statutes, may move that the court seal and expunge the prior record if:

- (1) The child was adjudicated for a violation of law which, if committed by an adult would have been a felony; and
- (2) The child successfully completed the terms of the commitment program or sentence; and
- (3) The child earned a high school diploma or equivalent and successfully completed at least 1 year of post-secondary education with a grade point average above 2.0; and
- (4) The child remained arrest free for a period of 5 years following their release from custody.

However, the moving party is ineligible for this program if the party has a prior juvenile or criminal history of child or sexual abuse.

Section 99. Sections 39.412 and 39.444, Florida Statutes, and section 8 of chapter 93-416, Laws of Florida, are repealed.

Section 100. (1) There is established the Alternative Education Institute to contract with private providers for alternative education in school facilities funded by PECO. The institute shall be a not-for-profit corporation acting as an instrumentality of the state and shall be authorized to receive, hold, invest, and administer property and any moneys received from private, state, and federal sources, as well as technical and professional income generated or derived from practice activities of the institute, for the benefit of the institute and the fulfillment of its mission. The affairs of the corporation shall be managed by a board of directors who shall serve without compensation.

(2) The institute shall be governed by a 13-member board, with 7 members appointed by the Governor, 3 members appointed by the President of the Senate, and 3 members appointed by the Speaker of the House of Representatives.

(3) Each member shall have only one vote, shall serve a term of 3 years, and may be reappointed to the board.

(4) The board shall provide for the following:

- (a) Approval of the articles of incorporation.
- (b) Approval of the articles of incorporation of any not-for-profit corporate subsidiary created by the not-for-profit corporation.
- (c) Utilization of facilities and personnel by the not-for-profit corporation and its subsidiaries for mutually approved alternative education programs.
- (d) Preparation of an annual postaudit of the not-for-profit corporation's financial accounts and the financial accounts of any subsidiaries to be conducted by an independent certified public accountant. The annual audit report shall include management letters and shall be submitted to the Auditor General for review. The board and the Auditor General shall have the authority to require and receive from the not-for-profit corporation and any subsidiaries or from their independent auditor any detail or supplemental data relative to the operation of the not-for-profit corporation or subsidiary. The identity of donors who desire to remain anonymous shall be protected, and that anonymity shall be maintained in the auditor's report.

(e) Provision by the not-for-profit corporation and its subsidiaries of equal employment opportunities to all persons regardless of race, color, religion, sex, age, or national origin.

(5) The board is authorized to secure comprehensive general liability protection, including professional liability protection, for the not-for-profit corporation and its subsidiaries.

(6) In the event that the agreement between the not-for-profit corporation and the board is terminated for any reason, the board shall resume governance and operation of the facilities.

(7) The board of directors shall have the following powers and duties:

- (a) Establishment of programs which fulfill the alternative education mission of the institute.
- (b) Control over the budget and the dollars appropriated or donated to the institute from private, state, and federal sources.

(c) Appointment of members to carry out the educational activities of the institute and determine compensation, benefits, and terms of service.

(d) Control over the use and assignment of space and equipment within the facilities.

(e) Power to create the administrative structure necessary to carry out the mission of the institute.

(f) A reporting relationship to the Legislature.

(g) Provision of a copy of the institute's annual report to the Governor and Cabinet, the President of the Senate, and the Speaker of the House of Representatives.

(8) The board of directors of the not-for-profit corporation shall create a council of advisers to review programs and recommend alternative education priorities and initiatives so as to maximize the state's investment in the institute. The council shall be appointed by the board of directors of the not-for-profit corporation. Each member of the council shall be appointed to serve a 2-year term and may be reappointed to the council.

(9) In carrying out the provisions of this section, the not-for-profit corporation and its subsidiaries are not "agencies" within the meaning of s. 20.03(11), Florida Statutes.

Section 101. Section 877.20, Florida Statutes, is created to read:

877.20 Local option juvenile curfew; legislative intent.—It is the intent of the Legislature to protect minors in this state from harm and victimization, to promote the safety and well-being of minors in this state, to reduce the crime and violence committed by minors in this state, and to provide counties and municipalities with the option of adopting a local juvenile curfew ordinance by incorporating the provisions of ss. 877.20-877.25 by reference.

Section 102. Section 877.21, Florida Statutes, is created to read:

877.21 Local option juvenile curfew; definitions.—As used in ss. 877.20-877.25, the term:

(1) "Emergency" means an unforeseen combination of circumstances resulting in a situation requiring immediate attention to care for or prevent serious bodily injury, loss of life, or significant property loss. This term includes, but is not limited to, a fire, natural disaster, or an automobile accident.

(2) "Establishment" means a privately owned place of business to which the public is invited, including, but not limited to, a place of amusement or a place of entertainment.

(3) "Parent" means a person that has legal custody of a minor as a:

- (a) Natural or adoptive parent.
- (b) Legal guardian.
- (c) Person who stands in loco parentis to the minor.
- (d) Person who has legal custody of the minor by order of the court.

(4) "Public place" means a place to which the public has access, including, but not limited to, streets, highway, public parks, and the common areas of schools, hospitals, apartment houses, office buildings, transportation facilities, and shops.

(5) "Remain" means to stay unnecessarily in a particular place.

Section 103. Section 877.22, Florida Statutes, is created to read:

877.22 Minors under 16 years of age prohibited in public places and establishments during certain hours; penalty.—

(1)(a) A minor under 16 years of age may not be or remain in a public place or establishment between the hours of 12 midnight and 6 a.m. of the following day, Sunday through Thursday, except in the case of a legal holiday.

(b) A minor under 16 years of age may not be or remain in a public place or establishment between the hours of 2 a.m. and 6 a.m. on Fridays, Saturdays, and legal holidays.

(2) A minor under 16 years of age who has been suspended or expelled from school may not be or remain in a public place, establishment, or within 1,000 feet of school during the hours of 9 a.m. to 2 p.m. during any school day.

(3) A minor who violates this section is guilty of a civil infraction and shall pay a fine of \$250. A minor who violates this section a second or subsequent time is guilty of a misdemeanor of the second degree, and must be adjudicated under part II of chapter 39.

Section 104. Section 877.23, Florida Statutes, is created to read:

877.23 Legal duty of parent or owner, operator, or employee of business establishment; penalty.—

(1) The parent of a minor under 16 years of age has a legal duty and responsibility to ensure that the minor does not violate s. 877.22(1).

(2) The parent of a minor under 16 years of age has a legal duty and responsibility to personally supervise, or arrange for a responsible adult to supervise, the minor so that the minor does not violate s. 877.22(2).

(3) The parent of a minor under 16 years of age who knowingly permits the minor to violate s. 877.22(1) or (2) is guilty of a civil infraction and shall pay a fine of \$500 for each offense.

(4) An owner, operator, or employee of a business establishment who knowingly allows a minor under 16 years of age to remain upon the premises of the establishment during curfew hours shall be guilty of a civil infraction and shall pay a fine of \$500 for each offense.

Section 105. Section 877.24, Florida Statutes, is created to read:

877.24 Exceptions to applicability of s. 877.22.—Section 877.22 does not apply to a minor who is:

(1) Accompanied by his parent or by another adult authorized by the minor's parent to have custody of the minor.

(2) Involved in an emergency or engaged, with his parent's permission, in an emergency errand.

(3) Attending or traveling directly to or from an activity involving the exercise of First Amendment rights protected by the United States Constitution.

(4) Going directly to or returning directly from lawful employment, or who is in a public place or establishment in connection with or as required by a business, trade, profession, or occupation in which the minor is lawfully engaged.

(5) Returning directly home from a school-sponsored function, a religious function, or a function sponsored by a civic organization.

(6) On the property of, or on the sidewalk of, the place where the minor resides, or who is on the property or sidewalk of an adult next-door neighbor with that neighbor's permission.

(7) Engaged in interstate travel or bona fide intrastate travel with the consent of the minor's parent.

(8) Attending an organized event held at and sponsored by a theme park or entertainment complex as defined in s. 509.013(9).

Section 106. Section 877.25, Florida Statutes, is created to read:

877.25 Local ordinance required; effect.—The provisions of ss. 877.20-877.24 are applicable in any county or municipality only after an ordinance incorporating these provisions by reference has been duly enacted. Nothing contained herein shall preclude a county or municipal ordinance regulating the presence of minors in public places which provide restrictions more stringent or less stringent than the curfew imposed under s. 877.22. Such a county or municipal ordinance has full force and effect and supersedes ss. 877.20-877.24.

Section 107. Sections 961.01 through 961.18, Florida Statutes, are created to read:

961.01 Legislative intent and purpose.—

(1) There is hereby created an educational job training and placement program which shall be operated by private nonprofit corporations in this state for the purpose of providing educational and job training programs which can lead to meaningful employment for juvenile delinquents.

(2) The program shall have the following objectives:

(a) To provide job training to prepare juvenile delinquents for meaningful employment in the private sector.

(b) To provide a positive and productive work environment that assists juvenile delinquents in developing self-esteem and a responsible work ethic.

(c) To teach actual job skills which have value in the private sector while participating juvenile delinquents concurrently earn a high school degree or equivalent.

(d) To work in partnership with private industry to secure job placement for juveniles upon completion of the training program.

(e) To establish a program which sustains itself as an ongoing business enterprise with no state appropriation.

(f) As an innovative community-based job training program for juvenile delinquents, to provide many benefits to the state and its citizens, including:

(1) Breaking the cycle of crime through the provision of rehabilitative skill training and meaningful employment.

(2) Providing juvenile delinquents with a structured nonresidential program, thus saving the taxpayers the costs of a residential program.

(3) Providing a continuing program for juvenile delinquents which does not require appropriations of general revenue.

961.02 Program administration.—The program shall be administered in accordance with the following guidelines:

(1) Each program shall have a specific focus and teach a specific set of marketable job skills. At capacity, each industry shall serve 30 to 50 juvenile delinquents in each location.

(2) Business plans shall be developed to provide specific details on each of the industry-based training programs to be established.

(3) A report shall be prepared by each corporation on the performance and outcome measures of each program.

(4) Each corporation shall work with the Youth Service Program Office of the Department of Health and Rehabilitative Services, to ensure the industry programs are compatible to the extent possible with other existing youth programs to form a part of the continuum of care for the state's juvenile delinquents. Upon completion of boot camp or other placements, instead of the juveniles being released to the community without supervision, they may be assigned by the courts, the Department of Health and Rehabilitative Services, or any other agency of the state, or a political subdivision of the state, for participation in an industry model job training and education program, with job assistance provided upon completion of the training. This assignment would provide a continued opportunity for the juvenile delinquent to reinforce self-discipline and motivation and to apply these qualities in a constructive manner in a workplace setting while learning meaningful job skills.

(a) Each corporation shall provide for community-based job training to prepare the juvenile delinquents for meaningful employment in the private sector, where the real-world work environment will assist juveniles in developing self-esteem and a responsible work ethic.

(b) Each corporation shall work in partnership with private industry to secure job placement and job training opportunities for juveniles upon completion of the training program.

961.03 Program components.—The programs shall have the following mandatory components:

(1) Each corporation shall serve at-risk youths, adjudicated delinquents, and others, whether committed or not committed, who are appropriate for community placement and are of an appropriate age and level to benefit from a job training and education industrial model program. The types of industries established in each community shall be based on market demands and employment opportunities, and shall be related to the private sector business base.

(2) The program shall be nonresidential, with the juvenile delinquents transported to and from their place of residence to the worksite, where they shall be provided job skill training, actual work experience, and education.

(3) Each corporation shall work with local school boards to provide the course work needed to ensure that these student-learners can obtain their vocational educational certificates and/or GEDs. Local school

boards shall contract with each corporation to provide the funds to assist the student-learners in attaining vocational educational certificates and/or GEDs.

(4) Each corporation shall strive to work with the juvenile delinquents for a period of 12 to 18 months.

(5) Each corporation shall operate the program for at least 5 days a week for at least 8 hours a day, excepting state authorized holidays.

(6) The student-learners will receive compensation for their performance based on their accomplishments related to their job skill levels and their overall contributions in meeting the performance goals of each industry in accordance with a compensation plan developed by each corporation, and approved by the department.

(7) A juvenile delinquent assigned to the program and compensated by the corporation operating the program shall not be considered an employee of the state or the corporation.

(8) Each corporation shall provide marketable job training in areas of current employment demand in the state.

(9)(a) A key component of the program shall be a job placement service. Each corporation shall work in partnership with area businesses, Job Service of Florida, and other organizations to place the program participants in jobs after completion of the job training.

(b) Each corporation may establish agreements with other chartered social service agencies to assist with other job-related support needs of program participants.

961.04 Definitions to be used with respect to juvenile delinquents programs.—As used in ss. 961.01-961.07, the term:

(1) "Corporation" means a private nonprofit corporation authorized to carry out the provisions of ss. 961.01-961.06, as certified by the department pursuant to s. 961.06.

(2) "Job Training Program" or "program" means any program operated by a nonprofit corporation in accordance with ss. 961.01-961.06; which corporation is certified by the department pursuant to s. 961.06 as qualified to operate the program as set out in ss. 961.02-961.06.

(3) "Department" means the Department of Education.

(4) "Facilities" means the buildings, land, equipment, and other chattels used in the operation of a program by each corporation.

(5) "Juvenile delinquent" means any individual from age 16 to 18 assigned to the program by the courts pursuant to s. 39.054(1)(i), the Department of Health and Rehabilitative Services, or any other agency of the state or a political subdivision of the state.

961.06 Certification of nonprofit corporations to operate programs; exemptions.—

(1) Beginning January 31, 1996, any nonprofit corporation established solely for the purpose of conducting an educational job training and placement program for juvenile delinquents may apply for certification to conduct such programs with the department. Upon certification, the nonprofit corporation shall be entitled to conduct one or more programs pursuant to the provisions of ss. 961.01 to 966.07.

(2) The nonprofit corporation seeking certification from the department shall file at least the following information upon forms prepared by the Department:

(a) Articles of incorporation.

(b) Business plans for the conduct of each program which plans shall include detailed sources of income and estimated expense for the conduct of each program.

(c) Plans for securing and promoting job placement.

(d) Background information on each member of the board of the corporation, and the proposed officers of the corporation and their qualifications to engage in such program.

(e) The location at which the corporation intends to conduct such program.

(f) Such other information as may be reasonably be required by the department.

(g) After a review and evaluation by the department, the department shall certify or refuse to certify. Such decision shall be made within 90 days within filing of a complete application which application shall be accompanied by a one-time fee in the amount of \$1,000 to cover the department's investigative cost.

(3) The corporation authorized to conduct the pilot program shall be entitled to continue to conduct the programs instituted by ss. 961.01 to 961.06, and other programs which such corporation may establish throughout the state shall be deemed certified for the purposes of the provisions of this section.

961.07 Exemptions from Fair Labor Standards Act.—

(1) The department shall request the secretary of the United States Department of Labor to provide an exemption from the hazardous occupations provisions of the Fair Labor Standards Act to allow for the employment of program participants as student-learners, and defined in the act. Upon obtaining this exemption, the provisions of s. 450.061 shall be waived to conform to the federal exemption.

(2) For the purposes of s. 450.081, the school hours and school days of student-learners shall be determined by the program.

Section 108. Paragraph (i) is added to subsection (1) of section 39.054, Florida Statutes, 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:

(i) *Order the child to participate in an educational, job training, and placement program pursuant to the provisions of chapter 961 for a period of from 12 to 18 months.*

Section 109. Except as otherwise specifically provided herein, this act shall take effect July 1, 1994.

And the title is amended as follows:

Strike the entire title and insert: A bill to be entitled An act relating to the reorganization of juvenile justice programs and services and youthful criminal justice programs and services; creating s. 20.195, F.S.; providing legislative findings and intent; providing guidelines and organization plans and schedules for creation of a Department of Juvenile Justice and transfer of the Youthful Offender Program of the Department of Corrections to the new department; providing for transfer of specified powers, duties, records, personnel, and funds to the new department; providing for an Interim Secretary of the Department of Juvenile Justice and creating a Department of Juvenile Justice Organization Planning Group; providing for proposals for innovation zones, as defined, in juvenile justice regions; providing guidelines for implementation of specified model programs and technologies within such zones; repealing s. 20.19(4), F.S., relating to the Deputy Secretary for Juvenile Justice Programs; amending s. 20.315, F.S., relating to the Department of Corrections; providing for an Assistant Secretary for Youthful Offenders; including the Assistant Secretary and Youthful Offender Institutions among the budget entities of the department and removing reference to the Youth Offender Program Office; amending s. 39.001, F.S.; revising legislative intent and purposes with respect to ch. 39, F.S., relating to juvenile proceedings; amending s. 39.002, F.S.; revising legislative intent and findings with respect to the juvenile justice system and delinquency prevention; recognizing certain parental, custodial, and guardian responsibilities; amending s. 39.01, F.S.; defining or redefining or clarifying the applicability of specified terms with respect to ch. 39, F.S.; directing the Division of Statutory Revision to conform specified statutory cross references; creating s. 39.0145, F.S.; prescribing or revising guidelines with respect to punishment of juveniles for contempt of court; providing for secure facility placement sentences for juveniles under specified circumstances; providing for a contempt of court alternative sentences continuum and for alternative sanctions coordinators in judicial circuits; amending s. 39.021, F.S.; revising guidelines with respect to administration of the delinquency system; requiring written approval by the court of a child's release under specified circumstances; creating s. 39.0216, F.S.; providing for outcome evaluation monitoring of juvenile justice programs and prescribing cer-

tain responsibilities of the Commission on Juvenile Justice and the Department of Juvenile Justice; amending s. 39.022, F.S.; revising guidelines relating to court jurisdiction over children, parents, guardians, and custodians; amending s. 39.023, F.S.; revising specified provisions relating to the membership and powers and duties of the commission, and providing for such provisions to be reviewed by and repealed on October 1, 2000; amending s. 39.024, F.S.; renaming the Juvenile Justice Standards and Training Council as the Juvenile Justice Standards and Training Commission and revising provisions relating to the legislative purpose, membership, powers, duties, and functions of the commission; providing for specified training programs, scholarships, and incentives procedures for juvenile justice personnel; amending s. 39.0255, F.S.; providing and revising provisions relating to the juvenile civil citation program; amending ss. 39.026-39.036, F.S.; revising provisions relating to community arbitration programs for delinquency cases; amending s. 39.037, F.S.; revising guidelines and time limits for taking a child into custody; amending s. 39.038, F.S.; providing guidelines for release of a child to a juvenile assessment center or to a responsible adult and for the holding of a child taken into custody for the offense of driving under the influence or disorderly intoxication; amending ss. 316.635, 322.055, and 322.056, F.S.; redefining the term "minor" for purposes of court jurisdiction over traffic offenses and making children at least 16 years of age subject to specified provisions relating to traffic offenses or alcohol or drug offenses, amending s. 316.655, F.S.; revising provisions relating to penalties for specified traffic offenses, and providing for contempt of court punishment; amending s. 39.043, F.S.; eliminating certain prohibitions against the use of detention for purposes of punishment, treatment, or rehabilitation of a child; amending s. 39.044, F.S.; revising detention criteria and guidelines and responsibilities of intake counselors and case managers relating to detention; amending s. 39.045, F.S.; revising guidelines relating to disclosure of court records and confidential information regarding children; amending s. 39.047, F.S.; revising provisions relating to intake and case management in delinquency proceedings; permitting intake officers to request specified forms of parental instruction or other assistance before filing a delinquency petition; creating s. 39.0471, F.S.; providing for establishment of juvenile justice assessment centers; amending s. 39.0475, F.S.; providing for urine monitoring under the delinquency pretrial intervention program; creating s. 39.0476, F.S.; providing for court orders with respect to certain forms of parental assistance in delinquency, dependency, or child-in-need-of-services cases; amending s. 39.049, F.S.; revising guidelines relating to process and service in delinquency cases, providing for imposition of contempt sanctions against parents, guardians, or custodians who evade service or ignore a summons; creating s. 39.0495, F.S.; providing for imposition of contempt sanctions against employers who commit specified acts against parents, guardians, or custodians summoned to appear at delinquency proceedings; amending s. 39.052, F.S.; revising guidelines and time limits with respect to hearings on delinquency cases; amending s. 39.053, F.S.; providing for urine monitoring as a condition of a community control program; redefining the term "conviction" under specified circumstances; amending s. 39.054, F.S.; revising guidelines relating to court powers of disposition in delinquency proceedings, and providing for court-ordered participation of parents and guardians in specified programs; providing for notice to the court and state attorney and for court review of a change in the program status of a child; amending s. 39.067, F.S.; providing legislative intent with respect to reentry and aftercare services; creating s. 39.0645, F.S.; providing for notice to the court of children who are absconders or escapees or who are wanted in other jurisdictions; amending s. 39.057, F.S.; revising guidelines relating to boot camp programs for juvenile offenders; amending s. 39.058, F.S.; revising provisions relating to the serious or habitual juvenile offender program; amending s. 39.0585, F.S.; revising provisions relating to confidentiality of records information with respect to juvenile offenders; requiring a parent or guardian of, or an agency responsible for or involved with, a juvenile offender to give specified notice to sheriffs immediately upon learning of the juvenile offender's relocation; creating s. 39.0587, F.S.; providing or revising procedures and guidelines with respect to transfer of a juvenile for prosecution as an adult; amending s. 39.059, F.S.; revising provisions relating to community control or commitment of children; amending s. 39.061, F.S.; providing penalties for escape by a child from lawful transportation to or from a secure detention facility or residential commitment facility; amending s. 39.064, F.S.; providing for detention of a child who has escaped from being lawfully transported thereto or therefrom; amending s. 39.069, F.S.; revising provisions relating to appeal of court orders in delinquency cases; amending s. 48.193, F.S.; including having "parental responsibility," as defined, among those acts subjecting a person to court jurisdiction; amending s. 768.28, F.S.; providing for specified contractual agents providing services to children

in need of services, families in need of services, or youthful or juvenile offenders to be considered agents of the state under specified circumstances; amending s. 39.074, F.S.; providing for a dispute resolution process with respect to siting of correctional facilities; providing for designation by the Governor of a task force for organization of certain federal funding opportunities, authorizing certain simulated matching programs, and providing for expiration on July 1, 1996, of specified provisions relating to such task force and matching programs; providing for appointment by the Governor of a Task Force on Juvenile Sexual Offenders and Victims of Juvenile Sexual Abuse and Crimes; providing legislative intent with respect to education of youths to become productive members of society; amending s. 39.42, F.S.; revising legislative intent to emphasize parental responsibility in regard to families in need of services; amending s. 402.3026, F.S.; providing for counseling services at full-service schools for children at high risk for delinquent behavior and their parents; amending s. 402.45, F.S.; providing for community resource mother and father programs to provide specified assistance to children at high risk for delinquency and their parents; amending s. 409.802, F.S.; providing legislative intent for enhanced parental responsibility with respect to the Family Policy Act; amending s. 415.516, F.S.; revising the goals of the Family Builders Program; amending s. 230.2316, F.S.; revising provisions in the Dropout Prevention Act; creating s. 230.23166, F.S.; providing for establishment of teenage parent programs by district school boards; amending s. 236.081, F.S.; revising provisions relating to school funding of special programs; amending ss. 229.592, 232.01, 234.01, 236.013, and 236.083, F.S.; revising cross references or providing conforming language to consist with specified provisions relating to school funding; providing for contingent repeal of specified provisions in s. 230.2316, F.S., relating to teenage parent programs; amending s. 228.041, F.S.; revising the definition of the term "suspension" with respect to the Florida School Code; amending ss. 230.23, 230.33, and 232.26, F.S.; revising powers and duties of school boards, superintendents, and principals, respectively; revising guidelines for suspensions and expulsions of students; creating s. 230.2301, F.S.; providing for assistance to parents or guardians during parent-teacher conferences; amending s. 230.335, F.S.; providing requirements relating to notification of superintendents of schools of certain charges against or convictions of employees or students; creating s. 232.258, F.S.; providing for the School and Community Resource Grant Program; amending s. 233.0615, F.S.; providing for a character development and law education program; amending s. 874.03, F.S.; revising definitions and terminology relating to illegal activity by criminal street gangs; amending s. 874.04, F.S.; providing for reclassification of penalties for an offense that is part of a pattern of criminal street gang activity; amending s. 874.08, F.S.; providing for seizure as contraband of profits, proceeds, and instrumentalities of criminal activity of criminal street gangs; amending s. 895.02, F.S.; redefining the terms "racketeering activity," "enterprise," and "pattern of racketeering activity" with respect to specified provisions in ch. 895, F.S., relating to offenses concerning racketeering and illegal debts; amending s. 958.021, F.S.; revising legislative intent with respect to youthful offenders; amending s. 958.03, F.S.; revising definitions with respect to youthful offenders; amending s. 958.04, F.S.; revising provisions with respect to judicial disposition of youthful offenders; creating s. 958.045, F.S.; providing for a basic training program for youthful offenders; prescribing a minimum length of stay in the program; providing responsibilities and rulemaking authority of the Department of Corrections with respect to the youthful offender program; providing for initial educational and substance abuse assessment of program participants and progress evaluations; prescribing departmental authority and disciplinary sanctions with respect to unmanageable offenders; providing for a community residential program and alternative post-release programs and plans; providing for certain reports by the department to the Legislature; providing for use of a Diversion Center for a community residential facility; repealing s. 958.04(4), F.S., relating to the basic training program for youthful offenders; amending s. 958.07, F.S.; providing for comprehensive presentence reports on youthful offenders; amending s. 958.09, F.S.; revising provisions relating to extension of limits of confinement of youthful offenders; amending s. 958.11, F.S.; revising guidelines and prescribing responsibilities of the Office of the Assistant Secretary for Youthful Offenders relating to youthful offender assignments; amending s. 958.12, F.S.; providing for mandatory participation of youthful offenders in specified programs; providing for comprehensive transition and postrelease plans for youthful offenders; amending s. 958.14, F.S.; revising provisions relating to sanctions for violations by youthful offenders of early release programs; repealing s. 958.19, F.S., relating to the Youth Corrections Program; creating provisions for correctional facilities for youthful offenders, and providing responsibilities related thereto of the Correctional Privatization Commission and other

specified entities; requiring the Advisory Council on Intergovernmental Relations to conduct a certain study; amending s. 784.075, F.S., relating to battery on detention or commitment facility staff; providing penalties for battery on such staff persons employed by the Department of Juvenile Justice; creating the position of alternative sanctions coordinator within each judicial circuit, and providing an appropriation for such positions; providing civil penalties for owners, operators, or renters of night clubs, dance halls, social halls, or similar establishments who fail to comply with specified requirements to provide "reasonable security," as defined, for dances or nighttime recreational gatherings held out as "teen dances" or "young adult nights"; providing misdemeanor penalties for knowing and intentional interference with the administration, activity, or function of the juvenile criminal justice system or youthful offender criminal justice system; providing for motions by a child to seal and expunge the child's prior record under specified circumstances; repealing ss. 39.412 and 39.444, F.S., relating to contempt sanctions in dependency cases and child-in-need-of-services cases, respectively; repealing section 8 of chapter 93-416, Laws of Florida, relating to prosecution of a juvenile offender as an adult, which section was to have taken effect July 1, 1994; providing for establishment of an Alternative Education Research Institute; reenacting specified provisions for the purpose of incorporating amendments; providing an appropriation; providing for the imposition of a local option curfew and penalties with respect thereto; creating ss. 961.01-961.18, F.S., relating to the creation of an educational job training and placement program for juvenile delinquents to be operated by private nonprofit corporations; amending s. 39.054, F.S., to conform; providing effective dates.

WHEREAS, the ramifications of Florida's juvenile crime problem reach far beyond the direct impact on the state's juvenile and criminal justice and correctional systems, affecting the current core and the future integrity of the state's business, community, education, and family institutions, and

WHEREAS, a comprehensive cross-sectional battle must be waged against the tragedy of juvenile crime if the problem is to be conquered, requiring hard work and innovative ideas throughout the entire spectrum of the state's public and private cultural and societal structures, and

WHEREAS, if victory is to be the outcome of this critical battle, it is imperative that the battle be waged in a cohesive, holistic, nonpartisan, nonpolitical, and well-planned strategic manner, with a major commitment of monetary and human resources, and

WHEREAS, such a strategy demands comprehensive, systemic, and systematic legislation that focuses on every aspect of Florida's juvenile crime problem in order to avoid the fragmentation and poor planning that have doomed the effort in the past, and

WHEREAS, with the complex and dangerous crime problem as the overriding issue faced by the Legislature in 1994, and with the mounting influx of proposals and recommendations from concerned citizens, public and private interest groups, organizations, businesses, commissions, and communities throughout the state inundating the decisionmaking process, the Legislature must take great care to provide an integrated statutory scheme to address its goal of finding the best possible framework for solution, and

WHEREAS, the integrated statutory scheme must address, at a minimum, the following issues: the philosophy of juvenile criminal justice in Florida; the structure for administering juvenile criminal justice in Florida; dependency and delinquency prevention and intervention; education and school safety, including curricula, truancy, dropout prevention, suspension and expulsion, and alternative schools; the need for enhancement of the youthful offender program of the Department of Corrections; the need for an enhanced role of the Privatization Commission; the methods for handling juvenile and youthful criminals in Florida, including the need for secure beds; the need to enhance law enforcement's effectiveness against juvenile and youthful criminal street gangs; the need to enhance judges' effectiveness in enforcing their contempt powers; the need to test innovative new programs while maintaining the flexibility to eliminate programs that don't work and enhance programs that do work; the need for a quality assurance monitoring program by the department and an independent outcome evaluation and baseline recidivism tracking program; the need for standards and training and enhanced professionalism of juvenile criminal justice personnel; and the need to examine such crucial matters as the maximization of federal matching funds, the establishment of alternative school residential facilities, juvenile sex offender programs, and a secure detention alternatives continuum, NOW, THEREFORE,

On motion by Senator Siegel, the Senate refused to concur in the House amendment and the House was requested to recede and in the event the House refused to recede a conference committee was requested.

CONFEREES ON CS FOR CS FOR SB 68 AND CS FOR SB'S 2012, 230, 236, 248, 266, 274, 282, 392, 498, 674, 1306 AND 1400 APPOINTED

The President announced that in the event the House refused to recede from the House amendment, he was appointing Senator Siegel, Chairman; Senators Bankhead, Dantzler, Holzendorf, Kirkpatrick and McKay as conferees on CS for CS for SB 68 and CS for SB's 2012, 230, 236, 248, 266, 274, 282, 392, 498, 674, 1306 and 1400. The action of the Senate was certified to the House.

RETURNING MESSAGES ON HOUSE BILLS

The Honorable Pat Thomas, President

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendment 1 to HB 2221 and acceded to the request of the Senate for the appointment of a conference committee conference.

The Speaker has appointed the following Representatives to the conference committee: Representative Long, (Chair) and Representatives Gordon, Bloom, Wallace and Hawkins (At Large); Subcommittee I - Aging, Health and Human Services: Representatives Ritchie (Chair), Sanderson, Brennan, Hafner, Jones, Alternates - Eggelletion and Thomas; Subcommittee II - Criminal Justice: Representatives Logan (Chair), Kelly, Martinez, Hanson, Alternates - Crady and Valdes; Subcommittee III - Education: Representatives Arnold (Chair), Boyd, Davis, Garcia, King, Mackenzie, Alternate - Clemons; Subcommittee IV - General Government/Transportation: Representatives Mitchell (Chair), Mackey, Morse, Reddick, Alternates - Rudd and Pruitt.

John B. Phelps, Clerk

The Honorable Pat Thomas, President

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendment 1 to HB 2223 and acceded to the request of the Senate for the appointment of a conference committee conference.

The Speaker has appointed the following Representatives to the conference committee: Representative Long, (Chair) and Representatives Gordon, Bloom, Wallace and Hawkins (At Large); Subcommittee I - Aging, Health and Human Services: Representatives Ritchie (Chair), Sanderson, Brennan, Hafner, Jones, Alternates - Eggelletion and Thomas; Subcommittee II - Criminal Justice: Representatives Logan (Chair), Kelly, Martinez, Hanson, Alternates - Crady and Valdes; Subcommittee III - Education: Representatives Arnold (Chair), Boyd, Davis, Garcia, King, Mackenzie, Alternate - Clemons; Subcommittee IV - General Government/Transportation: Representatives Mitchell (Chair), Mackey, Morse, Reddick, Alternates - Rudd and Pruitt.

John B. Phelps, Clerk

CONFEREES ON HOUSE BILLS 2221 AND 2223 APPOINTED (GENERAL APPROPRIATIONS AND IMPLEMENTING BILLS)

The President appointed Senator Jenne, Chairman; Senator Crenshaw, Vice Chairman; At Large: Senators Scott and Kirkpatrick; Subcommittee A: Senator Childers, Chairman; Senators Beard, Foley and Hargrett and alternate Senator Casas; Subcommittee B: Senator Holzendorf, Chairman; Senators Brown-Waite, Dudley and Williams and alternates Senators Grant, Dyer and Turner; Subcommittee C: Senator Kurth, Chairman; Senators Boczar, McKay, Myers, Silver and Sullivan and alternate Senator Bankhead; Subcommittee D: Senator Diaz-Balart, Chairman; Senators Burt, Dantzler and Grogan and alternate Senator Jones as conferees on House Bills 2221 and 2223. The action of the Senate was certified to the House.

RETURNING MESSAGES—FINAL ACTION

The Honorable Pat Thomas, President

I am directed to inform the Senate that the House of Representatives has passed SB 26, CS for SB's 220 and 348 and SB 1076.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered enrolled.

ROLL CALLS ON SENATE BILLS

SB 190

Yeas—40

Mr. President	Dantzler	Hargrett	Meadows
Bankhead	Diaz-Balart	Holzendorf	Myers
Beard	Dudley	Jenne	Scott
Boczar	Dyer	Jennings	Siegel
Brown-Waite	Foley	Johnson	Silver
Burt	Forman	Jones	Sullivan
Casas	Grant	Kirkpatrick	Turner
Childers	Grogan	Kiser	Weinstein
Crenshaw	Gutman	Kurth	Wexler
Crist	Harden	McKay	Williams

Nays—None

CS for CS for SB 200

Yeas—35

Mr. President	Diaz-Balart	Hargrett	Meadows
Bankhead	Dudley	Holzendorf	Myers
Beard	Dyer	Jenne	Silver
Boczar	Foley	Jennings	Sullivan
Brown-Waite	Forman	Johnson	Turner
Casas	Grant	Jones	Weinstein
Childers	Grogan	Kirkpatrick	Wexler
Crenshaw	Gutman	Kurth	Williams
Dantzler	Harden	McKay	

Nays—3

Burt	Crist	Siegel
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SB 364

Yeas—39

Mr. President	Dantzler	Hargrett	Myers
Bankhead	Diaz-Balart	Holzendorf	Scott
Beard	Dudley	Jenne	Siegel
Boczar	Dyer	Jennings	Silver
Brown-Waite	Foley	Johnson	Sullivan
Burt	Forman	Jones	Turner
Casas	Grant	Kirkpatrick	Weinstein
Childers	Grogan	Kurth	Wexler
Crenshaw	Gutman	McKay	Williams
Crist	Harden	Meadows	

Nays—None

SB 394

Yeas—40

Mr. President	Dantzler	Hargrett	Meadows
Bankhead	Diaz-Balart	Holzendorf	Myers
Beard	Dudley	Jenne	Scott
Boczar	Dyer	Jennings	Siegel
Brown-Waite	Foley	Johnson	Silver
Burt	Forman	Jones	Sullivan
Casas	Grant	Kirkpatrick	Turner
Childers	Grogan	Kiser	Weinstein
Crenshaw	Gutman	Kurth	Wexler
Crist	Harden	McKay	Williams

Nays—None

CS for SB 428

Yeas—35

Mr. President	Dantzler	Hargrett	Myers
Bankhead	Diaz-Balart	Jenne	Scott
Beard	Dudley	Jennings	Siegel
Boczar	Dyer	Johnson	Silver
Brown-Waite	Foley	Jones	Sullivan
Burt	Forman	Kirkpatrick	Weinstein
Casas	Grogan	Kurth	Wexler
Childers	Gutman	McKay	Williams
Crist	Harden	Meadows	

Nays—None

SB 544

Yeas—39

Mr. President	Dantzler	Hargrett	Myers
Bankhead	Diaz-Balart	Holzendorf	Scott
Beard	Dudley	Jenne	Siegel
Boczar	Dyer	Johnson	Silver
Brown-Waite	Foley	Jones	Sullivan
Burt	Forman	Kirkpatrick	Turner
Casas	Grant	Kiser	Weinstein
Childers	Grogan	Kurth	Wexler
Crenshaw	Gutman	McKay	Williams
Crist	Harden	Meadows	

Nays—None

SB 580

Yeas—38

Mr. President	Diaz-Balart	Holzendorf	Scott
Bankhead	Dudley	Jenne	Siegel
Beard	Dyer	Jennings	Silver
Boczar	Foley	Jones	Sullivan
Brown-Waite	Forman	Kirkpatrick	Turner
Burt	Grant	Kiser	Weinstein
Casas	Grogan	Kurth	Wexler
Childers	Gutman	McKay	Williams
Crenshaw	Harden	Meadows	
Crist	Hargrett	Myers	

Nays—None

SB 660

Yeas—38

Mr. President	Dantzler	Holzendorf	Scott
Bankhead	Diaz-Balart	Jenne	Siegel
Beard	Dudley	Jennings	Silver
Boczar	Dyer	Johnson	Sullivan
Brown-Waite	Foley	Jones	Turner
Burt	Forman	Kirkpatrick	Weinstein
Casas	Grant	Kurth	Wexler
Childers	Grogan	McKay	Williams
Crenshaw	Gutman	Meadows	
Crist	Harden	Myers	

Nays—None

Vote after roll call:

Yea—Kiser

SB 670

Yeas—40

Mr. President	Dantzer	Hargrett	Meadows
Bankhead	Diaz-Balart	Holzendorf	Myers
Beard	Dudley	Jenne	Scott
Boczar	Dyer	Jennings	Siegel
Brown-Waite	Foley	Johnson	Silver
Burt	Forman	Jones	Sullivan
Casas	Grant	Kirkpatrick	Turner
Childers	Grogan	Kiser	Weinstein
Crenshaw	Gutman	Kurth	Wexler
Crist	Harden	McKay	Williams

Nays—None

SB 1046

Yeas—38

Bankhead	Diaz-Balart	Holzendorf	Scott
Beard	Dudley	Jenne	Siegel
Boczar	Dyer	Jennings	Silver
Brown-Waite	Foley	Johnson	Sullivan
Burt	Forman	Jones	Turner
Casas	Grant	Kirkpatrick	Weinstein
Childers	Grogan	Kurth	Wexler
Crenshaw	Gutman	McKay	Williams
Crist	Harden	Meadows	
Dantzer	Hargrett	Myers	

Nays—None

SB 1200

Yeas—40

Mr. President	Dantzer	Hargrett	Meadows
Bankhead	Diaz-Balart	Holzendorf	Myers
Beard	Dudley	Jenne	Scott
Boczar	Dyer	Jennings	Siegel
Brown-Waite	Foley	Johnson	Silver
Burt	Forman	Jones	Sullivan
Casas	Grant	Kirkpatrick	Turner
Childers	Grogan	Kiser	Weinstein
Crenshaw	Gutman	Kurth	Wexler
Crist	Harden	McKay	Williams

Nays—None

CS for CS for SB 1222

Yeas—37

Mr. President	Diaz-Balart	Holzendorf	Scott
Bankhead	Dudley	Jenne	Silver
Beard	Dyer	Jennings	Sullivan
Boczar	Foley	Johnson	Turner
Brown-Waite	Forman	Jones	Weinstein
Burt	Grant	Kirkpatrick	Wexler
Casas	Grogan	Kurth	Williams
Childers	Gutman	McKay	
Crenshaw	Harden	Meadows	
Dantzer	Hargrett	Myers	

Nays—2

Crist Siegel

Vote after roll call:

Nay to Yea—Crist, Siegel

SB 1362

Yeas—34

Mr. President	Diaz-Balart	Jenne	Siegel
Bankhead	Dyer	Jennings	Silver
Beard	Foley	Johnson	Sullivan
Boczar	Forman	Jones	Turner
Brown-Waite	Grant	Kirkpatrick	Weinstein
Casas	Grogan	McKay	Wexler
Crenshaw	Gutman	Meadows	Williams
Crist	Harden	Myers	
Dantzer	Holzendorf	Scott	

Nays—4

Burt Dudley Kiser Kurth

Vote after roll call:

Yea—Childers, Hargrett

CS for SB 1386

Yeas—39

Bankhead	Diaz-Balart	Holzendorf	Myers
Beard	Dudley	Jenne	Scott
Boczar	Dyer	Jennings	Siegel
Brown-Waite	Foley	Johnson	Silver
Burt	Forman	Jones	Sullivan
Casas	Grant	Kirkpatrick	Turner
Childers	Grogan	Kiser	Weinstein
Crenshaw	Gutman	Kurth	Wexler
Crist	Harden	McKay	Williams
Dantzer	Hargrett	Meadows	

Nays—None

CS for SB 1392

Yeas—39

Bankhead	Diaz-Balart	Holzendorf	Myers
Beard	Dudley	Jenne	Scott
Boczar	Dyer	Jennings	Siegel
Brown-Waite	Foley	Johnson	Silver
Burt	Forman	Jones	Sullivan
Casas	Grant	Kirkpatrick	Turner
Childers	Grogan	Kiser	Weinstein
Crenshaw	Gutman	Kurth	Wexler
Crist	Harden	McKay	Williams
Dantzer	Hargrett	Meadows	

Nays—None

CS for SB 1482

Yeas—40

Mr. President	Dantzer	Hargrett	Meadows
Bankhead	Diaz-Balart	Holzendorf	Myers
Beard	Dudley	Jenne	Scott
Boczar	Dyer	Jennings	Siegel
Brown-Waite	Foley	Johnson	Silver
Burt	Forman	Jones	Sullivan
Casas	Grant	Kirkpatrick	Turner
Childers	Grogan	Kiser	Weinstein
Crenshaw	Gutman	Kurth	Wexler
Crist	Harden	McKay	Williams

Nays—None

CS for SB 1640

Yeas—39

Mr. President	Dantzler	Holzendorf	Myers
Bankhead	Diaz-Balart	Jenne	Scott
Beard	Dudley	Jennings	Siegel
Boczar	Dyer	Johnson	Silver
Brown-Waite	Foley	Jones	Sullivan
Burt	Forman	Kirkpatrick	Turner
Casas	Grant	Kiser	Weinstein
Childers	Grogan	Kurth	Wexler
Crenshaw	Harden	McKay	Williams
Crist	Hargrett	Meadows	

Nays—1

Gutman

CS for SB 1640—After Reconsideration

Yeas—39

Mr. President	Dantzler	Hargrett	Myers
Bankhead	Diaz-Balart	Holzendorf	Scott
Beard	Dudley	Jenne	Siegel
Boczar	Dyer	Jennings	Silver
Brown-Waite	Foley	Johnson	Sullivan
Burt	Forman	Jones	Turner
Casas	Grant	Kirkpatrick	Weinstein
Childers	Grogan	Kurth	Wexler
Crenshaw	Gutman	McKay	Williams
Crist	Harden	Meadows	

Nays—None

CS for SB 2014—Amendment 2A

Yeas—17

Bankhead	Crist	Jennings	Scott
Beard	Dudley	Kiser	Sullivan
Brown-Waite	Foley	Kurth	
Burt	Grant	McKay	
Crenshaw	Harden	Myers	

Nays—22

Mr. President	Dyer	Johnson	Turner
Boczar	Forman	Jones	Weinstein
Casas	Grogan	Kirkpatrick	Wexler
Childers	Gutman	Meadows	Williams
Dantzler	Hargrett	Siegel	
Diaz-Balart	Holzendorf	Silver	

CS for SB 2014—Amendment 2B

Yeas—22

Bankhead	Crist	Harden	Siegel
Beard	Diaz-Balart	Jennings	Sullivan
Brown-Waite	Dudley	Kiser	Weinstein
Burt	Foley	McKay	Williams
Casas	Grant	Myers	
Crenshaw	Gutman	Scott	

Nays—18

Mr. President	Forman	Johnson	Silver
Boczar	Grogan	Jones	Turner
Childers	Hargrett	Kirkpatrick	Wexler
Dantzler	Holzendorf	Kurth	
Dyer	Jenne	Meadows	

CS for SB 2014

Yeas—38

Mr. President	Bankhead	Beard	Boczar
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Brown-Waite	Dyer	Johnson	Siegel
Burt	Forman	Jones	Silver
Casas	Grant	Kirkpatrick	Sullivan
Childers	Grogan	Kiser	Turner
Crenshaw	Gutman	Kurth	Weinstein
Crist	Harden	McKay	Wexler
Dantzler	Hargrett	Meadows	Williams
Diaz-Balart	Holzendorf	Myers	
Dudley	Jennings	Scott	

Nays—None

SB 2248

Yeas—40

Mr. President	Dantzler	Hargrett	Meadows
Bankhead	Diaz-Balart	Holzendorf	Myers
Beard	Dudley	Jenne	Scott
Boczar	Dyer	Jennings	Siegel
Brown-Waite	Foley	Johnson	Silver
Burt	Forman	Jones	Sullivan
Casas	Grant	Kirkpatrick	Turner
Childers	Grogan	Kiser	Weinstein
Crenshaw	Gutman	Kurth	Wexler
Crist	Harden	McKay	Williams

Nays—None

SM 2664

Yeas—38

Mr. President	Dantzler	Hargrett	Scott
Bankhead	Diaz-Balart	Jenne	Siegel
Beard	Dudley	Jennings	Silver
Boczar	Dyer	Jones	Sullivan
Brown-Waite	Foley	Kirkpatrick	Turner
Burt	Forman	Kiser	Weinstein
Casas	Grant	Kurth	Wexler
Childers	Grogan	McKay	Williams
Crenshaw	Gutman	Meadows	
Crist	Harden	Myers	

Nays—None

ROLL CALLS ON HOUSE BILLS

HB 291

Yeas—39

Mr. President	Diaz-Balart	Holzendorf	Myers
Bankhead	Dudley	Jenne	Scott
Beard	Dyer	Jennings	Siegel
Boczar	Foley	Johnson	Silver
Brown-Waite	Forman	Jones	Sullivan
Burt	Grant	Kirkpatrick	Turner
Casas	Grogan	Kiser	Weinstein
Crenshaw	Gutman	Kurth	Wexler
Crist	Harden	McKay	Williams
Dantzler	Hargrett	Meadows	

Nays—None

Vote after roll call:

Yea—Childers

HB 441

Yeas—36

Bankhead	Brown-Waite	Childers	Dantzler
Beard	Burt	Crenshaw	Diaz-Balart
Boczar	Casas	Crist	Dyer

Foley	Hargrett	Kirkpatrick	Silver
Forman	Holzendorf	Kurth	Sullivan
Grant	Jenne	McKay	Turner
Grogan	Jennings	Meadows	Weinstein
Gutman	Johnson	Myers	Wexler
Harden	Jones	Siegel	Williams

Nays—1
Dudley

HB 563

Yeas—40

Mr. President	Dantzler	Hargrett	Meadows
Bankhead	Diaz-Balart	Holzendorf	Myers
Beard	Dudley	Jenne	Scott
Boczar	Dyer	Jennings	Siegel
Brown-Waite	Foley	Johnson	Silver
Burt	Forman	Jones	Sullivan
Casas	Grant	Kirkpatrick	Turner
Childers	Grogan	Kiser	Weinstein
Crenshaw	Gutman	Kurth	Wexler
Crist	Harden	McKay	Williams

Nays—None

ROLL CALL ON LOCAL BILLS

The following roll call was taken on **Senate Bills 2932, 2938, 2940, 2950, 2952, 2954, 2956, 2958, 2960, 2962, 2966, 2968, 2970, 2972, 2974, 2976** and **2982** which passed this day:

Yeas—40

Mr. President	Dantzler	Hargrett	Meadows
Bankhead	Diaz-Balart	Holzendorf	Myers
Beard	Dudley	Jenne	Scott
Boczar	Dyer	Jennings	Siegel
Brown-Waite	Foley	Johnson	Silver
Burt	Forman	Jones	Sullivan
Casas	Grant	Kirkpatrick	Turner
Childers	Grogan	Kiser	Weinstein
Crenshaw	Gutman	Kurth	Wexler
Crist	Harden	McKay	Williams

Nays—None

COMMITTEE APPOINTMENT

The President announced the appointment of Senator Meadows, Chairman; Senators Beard, Childers, Dudley, Kirkpatrick and Kiser to the Joint Select Committee on Collective Bargaining.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of March 9 was corrected and approved.

CO-SPONSORS

Senator Turner—SB 660; Senator Brown-Waite—CS for SB 1392; Senator Burt—SB 1642; Senator Foley—SB 2284; Senator Diaz-Balart—SB 2322, SB 2806; Senator Grogan—SB 2322, SB 2806; Senator Johnson—SB 2322, 2324; Senator Myers—SB 2322; Senator Forman—SB 2324

RECESS

On motion by Senator Kirkpatrick, the Senate recessed at 12:01 p.m. for the purpose of holding committee meetings and conducting other Senate business until 9:00 a.m., Tuesday, March 22.

SENATE PAGES

March 14-18

Michelle Berrigan, Tallahassee; Diane Branigan, Lighthouse Point; Christopher Brown, Crystal River; David C. Falzone, Gainesville; David Gerrey, Niceville; Mark Johnston, St. Petersburg; Kelly Marcus, North Palm Beach; Renee Mauro, Palm Beach Gardens; Anna McLain, Tallahassee; Daniel G. Melzer, Chattahoochee; Carly R. Mennes, Miami; Christian Moreton, Ottawa, Canada; Aava-Maria Nesbitt, Jacksonville; Shermeka A. Raing, West Palm Beach; Leanna C. Rodriguez, Miami Shores; Maria Thomas, Delray Beach; Danyelle Turner, Jacksonville; Trevor Tucker, Bunnell; Chato B. Waters, Delray Beach