



Journal of the Senate

Number 12

Thursday, April 13, 1995

CALL TO ORDER

The Senate was called to order by the President at 9:30 a.m. A quorum present—40:

Mr. President	Diaz-Balart	Horne	Myers
Bankhead	Dudley	Jenne	Ostalkiewicz
Beard	Dyer	Jennings	Rossin
Bronson	Forman	Johnson	Silver
Brown-Waite	Grant	Jones	Sullivan
Burt	Gutman	Kirkpatrick	Thomas
Casas	Harden	Kurth	Turner
Childers	Hargrett	Latvala	Weinstein
Crist	Harris	McKay	Wexler
Dantzler	Holzendorf	Meadows	Williams

PRAYER

The following prayer was offered by Senator Meadows:

Blessed Father, we thank you for the communities in which we live and serve.

Help us to never forget those who live behind the walls of poverty and prejudice. Help us to remember the elderly and children who sit through lonely hours of waiting for a human voice and a warm hand.

Draw close to this body of leaders. Bless us as we seek to serve those we are sent to serve, and as we are serving them, keep us from the arrogance of power and the blindness of injustice.

In the name of our Father and Creator, Amen.

PLEDGE

Senate Pages, John Kenyon of Tallahassee and Fraenda J. Satchel of Mulberry, led the Senate in the pledge of allegiance to the flag of the United States of America.

CONSIDERATION OF RESOLUTIONS

On motion by Senator Brown-Waite, by two-thirds vote **SR 3010** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Brown-Waite—

SR 3010—A resolution recognizing the 100th Year of Women in State Legislatures and the many contributions that the women who serve or have served in the Florida Legislature have made to our legislative process.

WHEREAS, the National Foundation for Women Legislators, Inc., which serves as the educational arm of the National Order of Women Legislators, the oldest professional association for women legislators in the country, is coordinating state, regional, and national celebrations to commemorate the 100th year of Women in State Legislatures, and

WHEREAS, women state legislators were elected to serve before American women universally had the right to vote, and

WHEREAS, in January 1895, the first three women were sworn in to serve as state legislators, and

WHEREAS, the members of the Florida Senate recognize the 100th Year of Women in State Legislatures, and

WHEREAS, the Florida Senate proudly recognizes the women from all across the state who currently serve and formerly served in the Legislature for their outstanding contributions and their accomplishments as America's true "timeless pioneers," and

WHEREAS, the celebration of this centennial will elevate public knowledge and awareness of women in state history, and

WHEREAS, these women have served diligently and enthusiastically, and have devoted most of their lives to their communities and to our great state, and

WHEREAS, their knowledge, expertise, and wise leadership are valuable tools to carry Florida into the Twenty-first Century, and

WHEREAS, the members of the Florida Senate would like to congratulate and to extend its sincerest appreciation to all the women who have unselfishly served the Sunshine State, NOW, THEREFORE,

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

That the Florida Senate recognizes the celebration of the 100th Year of Women in State Legislatures and the many contributions that women who are serving or formerly served in various capacities in the Florida Legislature have made. These women include:

- 1962 Ex. Beth Johnson (Mrs. George W.), Orlando (D)
- 1963-1965 Beth Johnson (Mrs. George W.), Orlando (D)
- 1966 Ex. Beth Johnson (Mrs. George W.), Orlando (D)
Elizabeth J. Johnson (Mrs. Peter), Cocoa Beach (R)
- 1967 Ex. Beth Johnson (Mrs. George W.), Orlando (D)
Elizabeth J. Johnson (Mrs. Peter), Cocoa Beach (R)
- 1967 Reg. Elizabeth J. Johnson (Mrs. Peter), Cocoa Beach (R)
- 1969-1972 Elizabeth J. Johnson (Mrs. Peter), Cocoa Beach (R)
- 1973-1976 Lori Wilson, Merritt Island (I)
- 1977-1978 Betty Castor, Tampa (D)
Lori Wilson (Mrs. Allen H. Neuharth),
Cocoa Beach (I)
- 1979-1980 Pat Collier Frank (Mrs. Richard Harlan), Tampa (D)
Mary R. Grizzle (Mrs. Ben F.),
Indian Rocks Beach (R)
- 1981-1982 Pat Collier Frank (Mrs. Richard Harlan), Tampa (D)
Mary R. Grizzle (Mrs. Ben F.), Indian Rocks (R)
Toni Jennings, Orlando (R)
Gwen Margolis, North Miami Beach (D)
- 1983-1984 Betty Castor, Tampa (D)
Roberta Fox (Mrs. Myron Gold), Coral Gables (D)
Pat Collier Frank (Mrs. Richard Harlan), Tampa (D)
Mary R. Grizzle (Mrs. Charles H. Pearson),
Indian Rocks Beach (R)
Toni Jennings, Orlando (R)
Jeanne Malchon (Mrs. Richard), St. Petersburg (D)
Gwen Margolis, North Miami Beach (D)
Carrie P. Meek, Miami (D)
Karen Thurman (Mrs. John), Dunnellon (D)
- 1985-1986 Betty Castor, Tampa (D)
Roberta Fox (Mrs. Myron Gold), Coral Gables (D)
Pat Collier Frank (Mrs. Richard Harlan), Tampa (D)
Mary R. Grizzle (Mrs. Charles H. Pearson),
Indian Rocks Beach (R)
Toni Jennings, Orlando (R)
Jeanne Malchon (Mrs. Richard), St. Petersburg (D)
Gwen Margolis, North Miami Beach (D)
Carrie P. Meek, Miami (D)
Karen Thurman (Mrs. John), Dunnellon (D)

- 1987-1988 Pat Collier Frank (Mrs. Richard Harlan), Tampa (D)
Mary R. Grizzle (Mrs. Charles H. Pearson),
Indian Rocks Beach (R)
Toni Jennings, Orlando (R)
Jeanne Malchon (Mrs. Richard), St. Petersburg (D)
Gwen Margolis, North Miami Beach (D)
Carrie P. Meek, Miami (D)
Ileana Ros-Lehtinen (Mrs. Dexter Lehtinen),
Miami (R)
Karen Thurman (Mrs. John), Dunnellon (D)
Eleanor Weinstock (Mrs. Sander),
West Palm Beach (D)
Marlene Woodson, Bradenton (R)
- 1989-1990 Helen Gordon Davis (Mrs. Gene), Tampa (D)
Mary R. Grizzle (Mrs. Charles H. Pearson),
Belleair Bluffs (R)
Toni Jennings, Orlando (R)
Jeanne Malchon (Mrs. Richard), St. Petersburg (D)
Gwen Margolis, North Miami Beach, (D)
Carrie P. Meek, Miami (D)
Ileana Ros-Lehtinen (Mrs. Dexter Lehtinen),
Miami (R)
Karen Thurman (Mrs. John), Dunnellon (D)
Sherry D. Walker, Monticello (D)
Eleanor Weinstock (Mrs. Sander),
West Palm Beach (D)
Marlene Woodson-Howard (Mrs. Francis M.
Howard), Bradenton (R)
- 1990-1992 Helen Gordon Davis (Mrs. Gene), Tampa (D)
Mary R. Grizzle (Mrs. Charles H. Pearson),
Belleair Bluffs (R)
Toni Jennings, Orlando (R)
Patsy Ann Kurth (Mrs. Alan), Palm Bay (D)
Jeanne Malchon, St. Petersburg (D)
Carrie P. Meek, Miami (D)
Gwen Margolis, North Miami Beach (D)
Karen Thurman, (Mrs. John), Dunnellon (D)
Sherry D. Walker, Monticello (D)
Eleanor Weinstock (Mrs. Sander),
West Palm Beach (D)
- 1992-1994 Ginny Brown-Waite (Mrs. Harvey Waite),
Springhill (R)
Patricia A. Grogan (Mrs. David Teek),
Merritt Island (D)
Betty S. Holzendorf (Mrs. King), Jacksonville (D)
Toni Jennings, Orlando (R)
Karen Johnson (Mrs. Ray), Inverness (D)
Patsy Ann Kurth (Mrs. Alan), Palm Bay (D)
- 1994-1996 Ginny Brown-Waite (Mrs. Harvey Waite),
Springhill (R)
Katherine Harris, Sarasota (R)
Betty S. Holzendorf (Mrs. King), Jacksonville (D)
Tony Jennings, Orlando (R)
Karen Johnson (Mrs. Ray), Inverness (D)
Patsy Ann Kurth (Mrs. Alan), Palm Bay (D)

BE IT FURTHER RESOLVED that copies of this resolution, with the Seal of the Senate affixed, be forwarded to the women who are named in this resolution or to their immediate families, and to the National Foundation for Women Legislators, Inc.

—was taken up out of order and read the second time in full. On motion by Senator Brown-Waite, **SR 3010** was adopted.

On motion by Senator Thomas, by two-thirds vote **SR 3016** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Thomas—

SR 3016—A resolution commending the Freemasons and Wallace L. Dawson for their contributions to the State of Florida.

WHEREAS, Freemasonry began in medieval times and has been organized since the 18th century, 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, Wallace L. Dawson has had a brilliant and influential career as a Mason and a physician in Cape Coral, Lee County, Florida, serving as President of the Lee County Medical Society, as founding Board of Trustees member and Chairman of the Board of Cape Coral Hospital, as President of the Rotary Club of Cape Coral, and as member of the Corporate Board of Trustees of the Grand Lodge of Florida and of the Masonic Home of Florida, and has received the rank and decoration of Knight Commander of the Court of Honour of the Scottish Rite of Freemasonry, and has earned other Masonic honors and awards and held other positions of responsibility too numerous to mention, and

WHEREAS, Wallace L. Dawson has been recognized for dedicated service to his community, state, and nation, and

WHEREAS, Wallace L. Dawson, Grand Master of Masons of Florida, serves as leader of tens of thousands of Florida Masons and hundreds of thousands of Masons from across the country and around the world who sojourn in this state, and

WHEREAS, it is fitting and appropriate that the Florida Senate pause in its deliberations to honor the Freemasons and Wallace L. Dawson for their contributions to this state, NOW, THEREFORE,

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

That the Florida Senate commends the Freemasons of Florida and Wallace L. Dawson for their contributions to this state.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Wallace L. Dawson, Grand Master of Masons of Florida, as a tangible token of the sentiments of the Florida Senate.

—was taken up out of order and read the second time in full. On motion by Senator Thomas, **SR 3016** was adopted.

SPECIAL GUESTS

Senator Thomas introduced the following Freemasons who were seated in the gallery: Wallace L. Dawson, Grand Master; Paul P. Whitlock, Grand Marshal; Billy Rhodes, Grand Treasurer; Samuel E. Cowan, Junior Grand Warden.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Diaz-Balart, by two-thirds vote **SB 42, SB 148, SB 348, SB 498, CS for SB 672, SB 994, CS for SB 1480, SB 1490, CS for SB 1594, SB 1728, SB 1800, SB 2204, SB 2294** and **CS for SB 2598** were withdrawn from the Committee on Ways and Means.

On motion by Senator Holzendorf, by two-thirds vote **SB 692, SB 694, SB 1598, SB 2538** and **SB 2900** were withdrawn from the committees of reference and further consideration.

On motion by Senator Jones, by two-thirds vote **SB 1672** and **SB 1538** were withdrawn from the committees of reference and further consideration.

On motion by Senator Harris, by two-thirds vote **SB 2784** was withdrawn from the committee of reference and further consideration.

On motion by Senator Crist, by two-thirds vote **SB 2764** was withdrawn from the committees of reference and further consideration.

On motion by Senator Dyer, by two-thirds vote **SB 2720** was withdrawn from the committees of reference and further consideration.

On motion by Senator Meadows, by two-thirds vote **SJR 20** was withdrawn from the committees of reference and further consideration.

SPECIAL ORDER

CS for SB 1554—A bill to be entitled An act relating to telecommunications; amending s. 364.01, F.S.; finding that competition in the provision of local exchange telecommunications services is in the public interest; finding that the transition to competition will require regulatory oversight; finding that it is in the public interest to certificate new providers; amending s. 364.02, F.S.; defining the terms "alternative local exchange telecommunications company," "commercial mobile radio service provider," "local exchange telecommunications company," and "local exchange telecommunications service"; redefining the term "telecommunications company" to exclude certain companies; creating s. 364.056, F.S.; defining the terms "basic services," "network access services," "non-basic services", and "price regulation"; providing a price regulation scheme for such services; capping rates for basic service and network access services for 3 years; providing for increased rates after 3 years, subject to limitations; requiring local exchange telecommunications companies to impute certain costs into prices for nonbasic services; amending s. 364.057, F.S.; authorizing the Florida Public Service Commission to approve experimental services; amending s. 364.058, F.S.; providing for expedited as well as limited proceedings; creating s. 364.059, F.S.; providing an alternative regulatory scheme for small local exchange telecommunications companies; prohibiting competition in a small company's territory if the company has not elected price regulation; amending s. 364.09, F.S.; authorizing telecommunications companies to provide a lifeline assistance plan to certain subscribers; creating s. 364.165, F.S.; requiring interconnection among companies providing local exchange telecommunications services; providing procedures for setting the charges and conditions for such interconnection; requiring local exchange telecommunications companies to unbundle network features and functions; requiring local exchange telecommunications companies to resell certain local exchange telecommunications services; providing a procedure for resolving disputes; creating s. 364.1655, F.S.; requiring number portability among companies providing local exchange telecommunications services; requiring such companies to provide access to specified services; amending s. 364.183, F.S.; providing for Florida Public Service Commission access to relevant records of companies providing local exchange telecommunications services; amending s. 364.24, F.S.; providing penalties for disclosure of certain customer records; creating s. 364.245, F.S.; providing for discontinuation of telecommunications service used for unlawful purposes; providing for reinstatement of such services; amending s. 364.335, F.S.; deleting certain requirements relating to application for a certificate; creating s. 364.3353, F.S.; requiring an alternative local exchange telecommunications company to obtain a certificate; providing requirements; providing procedures; creating s. 364.3358, F.S.; authorizing the commission to resolve service disputes; providing access to certain company records; providing penalties; amending s. 364.336, F.S.; authorizing the payment of regulatory assessment fees on a 12-month basis; amending s. 364.337, F.S.; providing procedures for alternative access vendors to become alternative local exchange telecommunications companies; requiring all companies providing local exchange service to provide network access; amending s. 364.3375, F.S.; providing for compensation for pay telephone service providers under certain circumstances; providing for the eligibility of pay telephone stations to subscribe to certain services; amending s. 364.3382, F.S.; requiring companies providing local exchange service to provide certain information to customers; amending s. 364.339, F.S.; expanding the scope of shared tenant services; authorizing the commission to impose certain requirements; creating s. 364.375, F.S.; defining universal service; requiring local exchange telecommunications companies to provide certain services under specified conditions for a time certain; requiring the commission to study certain issues and provide legislative recommendations; creating s. 364.502, F.S.; requiring local exchange telecommunications companies and alternative local exchange telecommunications companies that provide video programming to designate capacity for public use; prohibiting local governments from treating telecommunications companies in a discriminatory manner; requiring the commission to make specified reports and recommendations to the Legislature; requiring the commission to implement a public information program relating to local exchange competition; requiring the Department of Labor and Employment Security to provide assistance to certain telecommunications workers; creating a committee to develop a statewide telecommunications policy; providing savings clauses related to extended area service, specified settlement agreements, and proceedings; providing for severability; providing an effective date.

—was read the second time by title.

Senator Hargrett moved the following amendment which was adopted:

Amendment 1—On page 8, lines 29 and 30, strike "radio common carrier or cellular radio telecommunications carrier" and insert: *commercial mobile radio service provider* ~~radio common carrier or cellular radio telecommunications carrier~~

Senator McKay moved the following amendments which were adopted:

Amendment 2—On page 10, line 3; on page 16, line 2; and on page 28, line 9, strike "July 1, 1995" and insert: January 1, 1996

Amendment 3—On page 10, line 30, after the period (.) insert: There shall be a flat-rate pricing option for basic local exchange telecommunications services, and mandatory measured service for basic local exchange telecommunications services shall not be imposed.

Senator Hargrett moved the following amendment which was adopted:

Amendment 4—On page 12, line 2, following "prices." insert: Nothing contained in this section, however, shall allow any revision in the rates, terms, and conditions for commercial mobile radio service access which revision is inconsistent with the requirements or methodologies of the Federal Communications Commission.

Senator Wexler moved the following amendment which was adopted:

Amendment 5—On page 18, line 11, after "arrangement" insert: without paying the appropriate charges for such terminating access service

Senator McKay moved the following amendments which were adopted:

Amendment 6—On page 19, line 2, after the period (.) insert: A petition may be filed under this subsection prior to January 1, 1996, and the commission shall take all actions necessary to consider the petition within 60 days and may make an interim decision prior to January 1, 1996

Amendment 7—On page 28, line 30, after the period (.) insert: Applications may be filed with the commission prior to January 1, 1996, and the commission shall conduct its review of the application and take all actions necessary to process the application. However, the commission shall not grant a certificate prior to January 1, 1996.

Amendment 8—On page 31, strike line 8 and insert:

Section 17. Effective January 1, 1996, subsection (3) of section 364.337, Florida

Senator Hargrett moved the following amendment which was adopted:

Amendment 9—On page 31, line 20, strike "affiliated" and insert: *unaffiliated*

Senator McKay moved the following amendment which was adopted:

Amendment 10—On page 31, lines 27 and 28, strike "July 1, 1995" and insert: *January 1, 1996*

Senator Hargrett moved the following amendments which were adopted:

Amendment 11—On page 32, between lines 22 and 23, insert:

(8) *A local exchange telecommunications company or pay telephone service provider, with the consent of the pay telephone location owner, may block calls to a pay telephone if the location owner and local exchange telecommunications company or pay telephone service provider agree that it is necessary to deter criminal activity facilitated by the incoming calls being received at the specified pay phone.*

Amendment 12—On page 32, strike line 10 and insert:

Section 18. Subsections (6), (7), and (8) are added to

Senator McKay moved the following amendments which were adopted:

Amendment 13 (with Title Amendment)—On page 35, between lines 26 and 27, insert:

(3) For a transitional period not to exceed July 1, 1998, an interim mechanism for maintaining universal service objectives and funding carrier of last resort obligations shall be established by the commission pending the implementation of a permanent mechanism. The interim mechanism shall be implemented by no later than January 1, 1996, and shall be applied in a manner that ensures that each alternative local

exchange telecommunications company contributes its fair share to the support of universal service and carrier of last resort obligations. The interim mechanism applied to each local exchange telecommunications company shall reflect a fair share of the local exchange telecommunications company's recovery of investments made in fulfilling its carrier of last resort obligation and the maintenance of universal service objectives. The commission shall ensure that the interim mechanism does not impede the development of residential consumer choice or create an unreasonable barrier to competition. In reaching its determination, the commission shall not inquire into or consider the local exchange telecommunications company's level of earnings. In the event any party, prior to July 1, 1998, believes that circumstances have changed substantially to warrant a change in the interim mechanism that party may petition the commission for a change, but the commission shall grant such petition only after an opportunity for a hearing and a compelling showing of changed circumstances, including that the provider's customer population includes as many residential as business customers. The commission shall act on any such petition within 120 days.

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 4, line 3, after the semicolon (;) insert: providing for an interim mechanism for universal service;

SENATOR CHILDERS PRESIDING

Amendment 14—On page 35, line 28, after "service" insert: and carrier of last resort

Amendment 15—On page 36, line 3, strike "1996" and insert: 1997

Amendment 16 (with Title Amendment)—On page 36, between lines 25 and 26, insert:

(4) After July 1, 1998, an alternative local exchange telecommunications company may petition the commission to become the universal service provider and carrier of last resort in areas requested to be served by that alternative local exchange telecommunications company. The commission shall have 120 days to issue an order granting in whole or in part or denying the petition of the alternative local exchange company. Upon petition of an alternative local exchange telecommunications company, the commission may establish the alternative local exchange telecommunications carrier as the universal service provider and carrier of last resort, provided that the commission first determines that the alternative local exchange telecommunications company will provide high-quality, reliable service. In the order establishing the alternative local exchange telecommunications company as the universal service provider and carrier of last resort, the commission shall set the period of time that such company must meet those objectives and obligations and shall set up any mechanism needed to aid such company in carrying out these duties.

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 4, line 5, after "recommendations;" insert: providing procedures for alternative local exchange telecommunications companies to provide such services;

Amendment 17—On page 41, strike all of lines 22-30 and insert:

Section 30. Florida Public Service Commission Order No. PSC 94-0172-FOF-T1 shall remain in effect, and BellSouth Telecommunications, Inc., shall fully comply with that order unless modified by the Florida Public Service Commission pursuant to the terms of that order. The order may not be modified to extend beyond December 31, 1997, except that the Florida Public Service Commission shall retain jurisdiction and all parties shall retain their rights under the agreement after December 31, 1997, solely for the purpose of effectuating the provisions of the order applicable to periods prior to January 1, 1998. The depreciation rates approved by the Florida Public Service Commission and in effect as of December 31, 1994, shall be used to calculate the earnings available for sharing for period prior to January 1, 1998.

On motions by Senator McKay, by two-thirds vote **CS for SB 1554** 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—1

THE PRESIDENT PRESIDING

CS for SB 288—A bill to be entitled An act relating to mental health treatment; amending s. 394.459, F.S.; requiring that certain information be disclosed to the guardian advocate of an incompetent patient; providing that a guardian advocate may authorize certain treatment procedures for an incompetent patient; amending s. 394.463, F.S.; requiring that a petition for involuntary placement be filed with the court within a specified period following a patient's admittance; amending s. 394.467, F.S.; providing for the hearing for involuntary placement to be held in the county in which the patient is domiciled; amending s. 458.325, F.S.; providing that a guardian advocate may authorize certain treatments for an incompetent patient; providing an effective date.

—was read the second time by title.

Senator Dudley moved the following amendment which was adopted:

Amendment 1 (with Title Amendment)—On page 1, line 22, strike everything after the enacting clause and insert:

Section 1. Paragraphs (a) and (b) of subsection (3) of section 394.459, Florida Statutes, are amended to read:

394.459 Rights of patients.—

(3) **RIGHT TO EXPRESS AND INFORMED PATIENT CONSENT.**—

(a) Each patient entering a facility shall be asked to give express and informed consent for admission and treatment. If the patient is under 18 years of age, express and informed consent for admission and treatment shall also be requested from the guardian. Express and informed consent for admission and treatment from a guardian of a patient under 18 years of age shall be required except pursuant to the provisions of s. 394.4784. Express and informed consent for admission and treatment given by a patient who is under 18 years of age may shall not be a condition of admission when the guardian of the patient gives express and informed consent for the patient's admission pursuant to s. 394.463 or s. 394.467. Prior to giving express and informed consent, the following information shall be disclosed to the patient, or the guardian or the guardian advocate of the patient if the patient is incompetent, and to both the patient and the guardian if the patient is under 18 years of age: the reason for admission, the purpose of the treatment to be provided, the common side effects thereof, alternative treatment modalities, the approximate length of care, and that any consent given by a patient may be revoked orally or in writing prior to or during the treatment period by the patient or his guardian. If a voluntary patient refuses to consent to or revokes consent for treatment, such patient shall be discharged within 3 days or, if in the event the patient meets the criteria for involuntary placement, such proceedings shall be instituted within 3 days. If any patient refuses treatment and is not discharged as a result, emergency treatment may be rendered such patient in the least restrictive manner, upon the written order of a physician when it is determined that such treatment is necessary for the safety of the patient or others. If any patient refuses to consent to treatment or revokes consent previously provided and the treatment not consented to is essential to appropriate care for the patient, then the administrator shall immediately petition the court for a hearing to determine the competency of the patient to consent to treatment. A patient is incompetent to consent to treatment if his judgment is so affected by his mental illness that he lacks the capacity to make a well-reasoned, willful, and knowing decision concerning treatment. If the court finds that the patient is incompetent to consent to treatment, it shall appoint a guardian advocate. A guardian advocate appointed pursuant to the provisions of this act shall meet the qualifications of a guardian contained in part IV of chapter 744, except that a ~~no~~ professional referred to in this act, a department employee, or a facility administrator may not shall be appointed.

(b) In addition to the provisions of paragraph (a), in the case of surgical procedures requiring the use of a general anesthetic or electroconvulsive treatment, and prior to performing the procedure, written permission shall be obtained from the patient, if he is legally competent, from the parent or guardian of a minor patient, or from the guardian of an incompetent patient, or from the guardian advocate if specifically authorized by the court at a hearing held pursuant to the Florida Rules of Civil Procedure for the purposes specified in this paragraph. The facility administrator or his designated representative may, with the con-

currence of the patient's attending physician, authorize emergency surgical treatment if such treatment is deemed lifesaving and permission of the patient and his guardian, *guardian advocate*, or representative cannot be obtained.

Section 2. Paragraphs (a) and (d) of subsection (2) of section 394.463, Florida Statutes, are amended to read:

394.463 Involuntary examination.—

(2) INVOLUNTARY EXAMINATION.—

(a) Initiation of involuntary examination.—An involuntary examination may be initiated by any one of the following means:

1. A court may enter an *ex parte* order stating that a person appears to meet the criteria for involuntary examination, giving the findings on which that conclusion is based. If other less restrictive means are not available, such as voluntary appearance for outpatient evaluation, a law enforcement officer, or other designated agent of the court, shall take the person into custody and deliver him to the nearest receiving facility for involuntary examination. The order of the court shall be made a part of the patient's clinical record.

2. A law enforcement officer shall take a person who appears to meet the criteria for involuntary examination into custody and deliver him or have him delivered to the nearest receiving facility for examination. The officer shall execute a written report detailing the circumstances under which the person was taken into custody, and the report shall be made a part of the patient's clinical record.

3. A physician, psychologist licensed pursuant to chapter 490, psychiatric nurse, or clinical social worker may execute a certificate stating that he has examined a person within the preceding 48 hours and finds that the person appears to meet the criteria for involuntary examination and stating the observations upon which that conclusion is based. If other less restrictive means are not available, such as voluntary appearance for outpatient evaluation, a law enforcement officer or other transporting agency shall take the person named in the certificate into custody and deliver him to the nearest available receiving facility for involuntary examination. The law enforcement officer shall execute a written report detailing the circumstances under which the person was taken into custody. The report and certificate shall be made a part of the patient's clinical record.

(d) Disposition upon examination.—Within the examination period, one of the following actions shall be taken, based on the individual needs of the patient:

1. The patient shall be released, unless he is under criminal charges, in which case he shall be returned to the custody of a law enforcement officer;

2. The patient shall be released, subject to the provisions of subparagraph 1., for outpatient treatment;

3. The patient shall be asked to give express and informed consent to placement as a voluntary patient; or

4. A petition for involuntary placement ~~must~~ shall be executed by the facility administrator and be filed with the court within 72 hours after the patient is admitted, excluding Saturdays, Sundays, and legal holidays, if ~~when~~ treatment is deemed necessary; in which case, the least restrictive treatment consistent with the optimum improvement of the patient's condition shall be made available.

Section 3. Paragraph (b) of subsection (2) and paragraph (a) of subsection (3) of section 394.467, Florida Statutes, are amended to read:

394.467 Involuntary placement.—

(2) ADMISSION TO A TREATMENT FACILITY.—

(b) The recommendation must be supported by the opinion of a psychiatrist and the second opinion of a clinical psychologist or another psychiatrist, both of whom have personally examined the patient within the preceding 5 days, that the criteria for involuntary placement are met; however, in counties of less than 50,000 population, if the administrator certifies that no psychiatrist or clinical psychologist is available to provide the second opinion, such second opinion may be provided by a licensed physician with postgraduate training and experience in diagnosis and treatment of mental and nervous disorders or by a psychiatric nurse.

Such recommendation shall be entered on an involuntary placement certificate, which certificate shall authorize the receiving facility to retain the patient pending transfer to a treatment facility or completion of a hearing. The certificate shall be filed with the court in the ~~county~~ where the patient is domiciled or in an adjacent circuit when the department has contracted with a receiving facility in that adjacent circuit to accommodate rural counties in which there are no receiving facilities. ~~The certificate located and~~ shall serve as a petition for a hearing on involuntary placement. A copy of the certificate shall also be filed with the department; and copies shall be served on the patient and his guardian or representatives, accompanied by:

1. A written notice, in plain and simple language, that the patient or his guardian or representative may apply at any time for a hearing on the issue of the patient's need for involuntary placement if he has previously waived such a hearing.

2. A petition for such hearing, which requires only the signature of the patient or his guardian or representative for completion.

3. A written notice that the petition may be filed with a court in the ~~county~~ in which the patient is domiciled or in an adjacent circuit when the department has contracted with a receiving facility in that adjacent circuit to accommodate rural counties in which there are no receiving facilities ~~hospitalized~~ and the name and address of the judge of such court.

4. A written notice that the patient has the right to be represented by counsel in the proceeding and that the patient or his guardian or representative may apply immediately to the court to have an attorney appointed if the patient cannot afford one.

~~The petition may be filed in the county in which the patient is involuntarily placed at any time within 6 months of the date of the certificate. The hearing shall be held in the same county, and One of the patient's physicians at the facility shall appear as a witness at the hearing.~~

(3) PROCEDURE FOR HEARING ON INVOLUNTARY PLACEMENT.—

(a) If the patient does not waive his right to a hearing on involuntary placement, or if the patient, his guardian, or a representative files a petition for such a hearing after having waived it as provided in paragraph (2)(c), the court shall serve notice on the administrator of the facility in which the patient is placed and on the patient. The notice of hearing shall specify the date, time, and place of hearing; the basis for detention; and the name of each examining expert and of every other person testifying in support of continued detention and the substance of their proposed testimony. The court shall serve notice on the state attorney of the judicial circuit of the county in which the patient is domiciled ~~placed~~, who shall represent the state as the real party in interest in the proceeding rather than the petitioning administrator of the facility. The court shall hold the hearing within 5 days unless a continuance is granted. The hearing shall be as convenient to the patient as may be consistent with orderly procedure and should be conducted in physical settings not likely to be injurious to the patient's condition. The court may appoint a master to preside. *Venue for the hearing for involuntary placement is the county in which the patient is domiciled. For purposes of this chapter, a patient's domicile may be determined by operation of law to be the location where the patient was initially determined to be in need of involuntary examination.* The patient, his guardian or representative, or the administrator may apply for a change of venue for the convenience of parties or witnesses or because of the condition of the patient. Venue may be ordered changed within the discretion of the court. The patient and his guardian or representative shall be informed of the right to counsel by the court. If the patient cannot afford an attorney, the court shall appoint one. The patient's counsel shall have access to facility records and to facility personnel in defending the patient. One of the professionals who executed the involuntary placement certificate shall be a witness. The patient and his guardian or representative shall be informed by the court of the right to an independent expert examination. If the patient cannot afford such an examination, the court shall provide for one.

Section 4. Subsection (1) of section 458.325, Florida Statutes, is amended to read:

458.325 Electroconvulsive and psychosurgical procedures.—

(1) In each case of utilization of electroconvulsive or psychosurgical procedures, prior written consent shall be obtained after disclosure to the

patient, if he is competent, or to his guardian, if he is a minor or incompetent, or to his guardian advocate if specifically authorized by the court pursuant to s. 394.459(3)(b), of the purpose of the procedure, the common side effects thereof, alternative treatment modalities, and the approximate number of such procedures considered necessary and that any consent given may be revoked by the patient or his guardian, or by his guardian advocate if specifically authorized by the court pursuant to s. 394.459(3)(b), prior to or between treatments.

Section 5. 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 1-18 and insert: A bill to be entitled An act relating to mental health treatment; amending s. 394.459, F.S.; requiring that certain information be disclosed to the guardian advocate of an incompetent patient; providing that a guardian advocate may authorize certain treatment procedures for an incompetent patient; amending s. 394.463, F.S.; providing for certain transport of a person for involuntary examination; requiring that a petition for involuntary placement be filed with the court within a specified period following a patient's admittance; amending s. 394.467, F.S.; revising location for filing the certificate of involuntary placement; providing for the hearing for involuntary placement to be held in the county in which the patient is domiciled; amending s. 458.325, F.S.; providing that a guardian advocate may authorize certain treatments for an incompetent patient; providing an effective date.

On motions by Senator Dudley, by two-thirds vote **CS for SB 288** 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 SB 72—A bill to be entitled An act relating to the regulation of health care professionals; creating s. 455.2142, F.S.; prohibiting the examination or licensure of certain health care professionals who are regulated by the Agency for Health Care Administration and have been disciplined for or committed sexual misconduct in the practice of their profession; providing an effective date.

—was read the second time by title. On motions by Senator Johnson, by two-thirds vote **CS for SB 72** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 576—A bill to be entitled An act relating to agricultural law enforcement; amending ss. 316.640 and 570.073, F.S.; allowing agricultural law enforcement officers to issue uniform traffic citations; amending s. 570.15, F.S.; renaming road guard inspection stations as agricultural inspection stations; providing an effective date.

—was read the second time by title.

The Committee on Agriculture recommended the following amendment which was moved by Senator Williams and adopted:

Amendment 1—On page 2, line 14, after the period (.) insert: *However, nothing in this section shall expand the authority of the Office of Agricultural Law Enforcement at its agricultural inspection stations to issue any traffic tickets except those traffic tickets for vehicles illegally passing the inspection station.*

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

Amendment 2 (with Title Amendment)—On page 3, strike all of lines 15-17 and insert:

Section 3. Paragraph (a) of subsection (1) and subsections (2) and (3) of section 570.15, Florida Statutes, are amended to read:

570.15 Access to places of business and vehicles.—

(1)(a) Any duly authorized employee of the department shall have full access at all reasonable hours to inspect:

1. All:
 - a. Places of business;

- b. Factories;
- c. Farm buildings;
- d. Carriages;
- e. Railroad cars;
- f. Trucks;

g. Motor vehicles, except private passenger automobiles with no trailer in tow, travel trailers, camping trailers, van conversion, and motor homes as defined in s. 320.01(1)(b), or pickup trucks not carrying agricultural, horticultural or livestock products and which have visible access to the entire cargo area, or city, county, state or federal vehicles;

h. Truck and motor vehicle trailers; and

i. Vessels

which are used or could be used in the production, manufacture, storage, sale, or transportation within the state of any food product; any agricultural, horticultural, or livestock product; or any article or product with respect to which any authority is conferred by law on the department; and

2. All records or documents pertaining thereto.

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 1, strike line 8 and insert: stations; providing certain motor vehicles not authorized for inspection; providing an effective date.

On motions by Senator Williams, by two-thirds vote **SB 576** 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 SB 182—A bill to be entitled An act relating to the regulation of asbestos; amending s. 255.551, F.S., revising the definition of the term, "abatement"; amending s. 255.565, F.S.; clarifying the responsibilities of the Asbestos Oversight Program Team; amending s. 469.004, F.S.; revising conditions under which resilient floor covering or its adhesive may be moved, removed, or disposed of by a person other than a licensed asbestos contractor or asbestos consultant; authorizing the Department of Business and Professional Regulation to inspect certain asbestos-removal sites; providing conditions for which licensure as an asbestos contractor or asbestos consultant is not required for certain persons; amending s. 469.014, F.S.; providing for the department to approve certain training courses and training-course providers who offer training for persons exempt from licensure; repealing s. 54 of chapter 94-119, Laws of Florida; abrogating the repeal of s. 469.004(4), F.S., relating to certain activities for which licensure as an asbestos contractor or asbestos consultant is not required; providing an effective date.

—was read the second time by title.

Senator Dyer moved the following amendments which were adopted:

Amendment 1 (with Title Amendment)—On page 3, strike all of lines 14-21 and insert:

(2) ~~The department shall license~~ All asbestos contractors must be licensed by the department. ~~No asbestos contractor's license may be issued unless the applicant holds a current, valid, active certificate issued pursuant to part I of chapter 489, and~~ An asbestos contractor may not perform abatement activities involving work that affects building structures or systems. *Work on building structures or systems may be performed only by a contractor licensed under chapter 489 beyond the scope authorized for such certificate pursuant to s. 489.105(3).*

And the title is amended as follows:

In title, on page 1, line 7, after the second semicolon (;) insert: requiring that asbestos abatement activities involving work in buildings or systems be performed by a contractor licensed under ch. 489, F.S.;

Amendment 2—On page 6, strike all of lines 1 and 2 and insert: the providers of such courses as are required under for initial and renewal licensure pursuant to this chapter. *The*

Senators Dyer and Sullivan offered the following amendment which was moved by Senator Dyer and adopted:

Amendment 3 (with Title Amendment)—On page 6, line 31, insert:

Section 5. Subsection (3) of section 469.012, Florida Statutes, 1994 Supplement, is amended to read:

469.012 Course requirements for onsite supervisors and asbestos abatement workers.—

(3) Onsite roofing supervisors must complete a *department-approved* an asbestos roofing course, ~~in addition to the requirements of subsection (2)~~, prior to engaging in the removal of asbestos-containing roofing materials.

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 1, line 26, after the semicolon (;) insert: amending s. 469.012, F.S.; amending course requirements for onsite roofing supervisors,

On motions by Senator Harden, by two-thirds vote **CS for SB 182** 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 548—A bill to be entitled An act relating to insurance; amending s. 627.6419, F.S.; providing that an insurer may not deny issuance or renewal of, or cancel, a policy due to certain conditions that demonstrate a predisposition to breast cancer; 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)—Strike everything after the enacting clause and insert:

Section 1. Paragraph (m) of subsection (4) of section 240.5121, Florida Statutes, is amended to read:

240.5121 Cancer control and research.—

(4) FLORIDA CANCER CONTROL AND RESEARCH ADVISORY COUNCIL; CREATION; COMPOSITION.—

(m) If funds are specifically appropriated by the Legislature, the council shall develop or purchase and prepare a standardized written summary, written in layman's terms and in language easily understood by the average adult patient, informing actual and high-risk *breast-cancer* breast-cancer patients of the medically viable treatment alternatives available to them in the effective management of breast cancer; describing such treatment alternatives; and explaining the relative advantages, disadvantages, and risks associated therewith. Such summary, upon its completion, shall be printed in the form of a pamphlet or booklet and made continuously available to physicians and surgeons in this state for their use in accordance with s. 458.324 and to osteopathic physicians in this state for their use in accordance with s. 459.0125. The council shall periodically update the pamphlet to reflect current standards of medical practice in the treatment of breast cancer. The council shall develop and implement an educational program, including distribution of the pamphlet or booklet developed or purchased under this paragraph, to inform citizen groups, associations, and voluntary organizations about early detection and treatment of breast cancer.

Section 2. Section 381.0031, Florida Statutes, is amended to read:

381.0031 Report of diseases of public health significance to department.—

(1) Any attending practitioner, licensed in Florida to practice medicine, osteopathic medicine, chiropractic, naturopathy, or veterinary medicine, who diagnoses or suspects the existence of a disease of public health significance shall immediately report the fact to the Department of Health and Rehabilitative Services.

(2) Periodically the department shall issue a list of diseases determined by it to be of public health significance within the meaning of this chapter and shall furnish a copy of *the said* list to the practitioners listed in subsection (1).

(3) Reports required by this section *must shall* be made on forms furnished, *or by electronic means specified*, by the department.

(4) Information submitted in reports required by this section is confidential, exempt from the provisions of s. 119.07(1), and *is to shall* be made public only when necessary to public health. *A No* report so submitted *is not shall be considered* a violation of the confidential relationship between practitioner and patient. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

~~Nothing in~~ This section *does not shall* affect ~~the provisions of~~ s. 384.25.

Section 3. Subsection (1) of section 385.202, Florida Statutes, is amended to read:

385.202 Statewide cancer registry.—

(1) Each hospital licensed pursuant to chapter 395 shall report to the Department of Health and Rehabilitative Services such information, *specified by the department, by rule*, as will indicate diagnosis, stage of disease, medical history, laboratory data, tissue diagnosis, and radiation, surgical, or other methods of treatment on each cancer patient *treated by admitted to the hospital for treatment*. Failure to comply with this requirement may be cause for suspension or revocation of the license of any such hospital.

Section 4. Subsections (7), (8), (9), and (10) of section 408.02, Florida Statutes, are renumbered as subsections (8), (9), (10), and (11), respectively, and a new subsection (7) is added to that section to read:

408.02 Practice parameters.—

(7) *The agency, in conjunction with the appropriate health professional associations, shall develop and may adopt, by rule, practice parameters and guidelines for the delivery of mammography services.*

Section 5. Paragraph (e) is added to subsection (3) of section 627.4236, Florida Statutes, to read:

627.4236 Coverage for bone marrow transplant procedures.—

(3)

(e) *The advisory panel shall conduct, at least biennially, a review of scientific evidence to ensure that its recommendations are based on current research findings and that insurance policies offer coverage for the latest medically acceptable bone-marrow-transplant procedures.*

Section 6. Section 627.6418, Florida Statutes, is amended to read:

627.6418 Coverage for mammograms.—

(1) An accident or health insurance policy issued, amended, delivered, or renewed in this state ~~that provides coverage for mastectomies~~ must provide coverage for at least the following:

(a) A baseline mammogram for *any woman women* who *is are* 35 years of age or older, but younger than 40 years of age.

(b) A mammogram *every 2 years for any woman women* who *is are* 40 years of age or older, but younger than 50 years of age *every 2 years*, or more frequently based on the patient's physician's recommendation.

(c) A mammogram every year for *any woman women* who *is are* 50 years of age or older.

(d) *One or more mammograms a year, based upon a physician's recommendation, for any woman who is at risk for breast cancer because of a personal or family history of breast cancer, because of having a history of biopsy-proven benign breast disease, because of having a mother, sister, or daughter who has or has had breast cancer, or because a woman has not given birth before the age of 30.*

It is the intent of the Legislature that, when practice parameters for the delivery of mammography services are developed pursuant to s. 408.02(7), the Legislature review the requirements of this section and conform to the practice parameters.

(2) Except as provided in paragraph (1)(b), for mammograms done more frequently than every two years for women 40 years of age or older but younger than 50 years of age, the coverage required by subsection (1) applies, with or without a physician prescription, if the insured obtains a mammogram in an office, facility, or health testing service that uses radiological equipment registered with the Department of Health and Rehabilitative Services for ~~breast-cancer~~ breast-cancer screening. The coverage is subject to the deductible and coinsurance provisions applicable to outpatient visits, and is also subject to all other terms and conditions applicable to other benefits. This section does not affect any requirements or prohibitions relating to who may perform, analyze, or interpret a mammogram or the persons to whom the results of a mammogram may be furnished or released.

~~(3) As used in this section, "mastectomy" means the removal of all or part of the breast for medically necessary reasons as determined by a licensed physician.~~

(3)(4) This section does not apply to disability income, specified disease, or hospital indemnity policies.

(4) *Every insurer subject to the requirements of this section shall make available to the policyholder as part of the application, for an appropriate additional premium, the coverage required in this section without such coverage being subject to the deductible or coinsurance provisions of the policy.*

Section 7. Section 627.6419, Florida Statutes, is amended to read:

627.6419 Requirements with respect to fibrocystic conditions.—An insurer may not deny the issuance or renewal of, or cancel, a policy of accident insurance or health insurance, nor include any exception or exclusion of benefits in a policy, solely because the insured has been diagnosed as having a fibrocystic condition or a nonmalignant lesion that demonstrates a predisposition, unless the condition is diagnosed through a breast biopsy that demonstrates an increased disposition to developing breast cancer. This section also applies to a policy of group, blanket, or franchise accident or health insurance and to a contract or evidence of coverage issued by a health maintenance organization.

Section 8. Section 627.6613, Florida Statutes, is amended to read:

627.6613 Coverage for mammograms.—

(1) A group, blanket, or franchise accident or health insurance policy issued, amended, delivered, or renewed in this state ~~that provides coverage for mastectomies~~ must provide coverage for at least the following:

(a) A baseline mammogram for any woman ~~women~~ who is ~~are~~ 35 years of age or older, but younger than 40 years of age.

(b) A mammogram every 2 years for any woman ~~women~~ who is ~~are~~ 40 years of age or older, but younger than 50 years of age ~~every 2 years~~, or more frequently based on the patient's physician's recommendation.

(c) A mammogram every year for any woman ~~women~~ who is ~~are~~ 50 years of age or older.

(d) *One or more mammograms a year, based upon a physician's recommendation, for any woman who is at risk for breast cancer because of a personal or family history of breast cancer, because of having a history of biopsy-proven benign breast disease, because of having a mother, sister, or daughter who has or has had breast cancer, or because a woman has not given birth before the age of 30.*

It is the intent of the Legislature that, when practice parameters for the delivery of mammography services are developed pursuant to s. 408.02(7), the Legislature review the requirements of this section and conform to the practice parameters.

(2) Except as provided in paragraph (1)(b), for mammograms done more frequently than every 2 years for women 40 years of age or older but younger than 50 years of age, the coverage required by subsection (1) applies, with or without a physician prescription, if the insured obtains a mammogram in an office, facility, or health testing service that uses radiological equipment registered with the Department of Health and Rehabilitative Services for ~~breast-cancer~~ breast-cancer screening. The coverage is subject to the deductible and coinsurance provisions applicable to outpatient visits, and is also subject to all other terms and conditions applicable to other benefits. This section does not affect any requirements or prohibitions relating to who may perform, analyze, or interpret a mammogram or the persons to whom the results of a mammogram may be furnished or released.

~~(3) Every insurer referred to in subsection (1) shall make available to the policyholder as part of the application, for an appropriate additional premium, the coverage required in this section without such coverage being subject to the deductible or coinsurance provisions of the policy. As used in this section, "mastectomy" means the removal of all or part of the breast for medically necessary reasons as determined by a licensed physician.~~

Section 9. Section 641.3109, Florida Statutes, is created to read:

641.3109 Coverage for mammograms.—

(1) Every health maintenance contract issued or renewed on or after January 1, 1996, shall provide coverage for at least the following:

(a) A baseline mammogram for any woman who is 35 years of age or older, but younger than 40 years of age.

(b) A mammogram every 2 years for any woman who is 40 years of age or older, but younger than 50 years of age, or more frequently based on the patient's physician's recommendations.

(c) A mammogram every year for any woman who is 50 years of age or older.

(d) One or more mammograms a year, based upon a physician's recommendation for any woman who is at risk for breast cancer because of a personal or family history of breast cancer, because of having a history of biopsy-proven benign breast disease, because of having a mother, sister, or daughter who has had breast cancer, or because a woman has not given birth before the age of 30.

(2) The coverage required by this section is subject to the deductible and copayment provisions applicable to outpatient visits, and is also subject to all other terms and conditions applicable to other benefits. A health maintenance organization shall make available to the subscriber as part of the application, for an appropriate additional premium, the coverage required in this section without such coverage being subject to any deductible or copayment provisions in the contract.

Section 10. The sum of \$50,000 is appropriated for fiscal year 1995-1996 from the General Revenue Fund to the H. Lee Moffitt Cancer Center and Research Institute at the University of South Florida to be used by the Cancer Control and Research Advisory Council to produce, or purchase, and distribute a pamphlet that informs patients about treatment alternatives for breast cancer and to develop and implement an educational program that includes the distribution of the pamphlet, as required under section 240.5121, Florida Statutes.

Section 11. This act shall take effect July 1, 1995.

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 health care; amending s. 240.5121, F.S.; allowing the Florida Cancer Control and Research Advisory Council either to purchase or to develop a written summary of breast-cancer treatment alternatives; amending s. 381.0031, F.S.; expanding the categories of practitioners who must report the existence of a disease of public health significance to the Department of Health and Rehabilitative Services; allowing such reports to be made by electronic means, as well as on forms; amending s. 385.202, F.S.; allowing the department to specify, by rule, information that is to be reported to the department for the statewide cancer registry about cancer patients treated by hospitals; amending s. 408.02, F.S.; requiring the Agency for Health Care Administration to adopt practice parameters for the delivery of mammography services; amending s. 627.4236, F.S.; requiring the advisory panel on bone-marrow transplants to conduct a periodic review of scientific evidence, as specified; amending ss. 627.6418, 627.6613, F.S.; expanding mammography coverage required to be provided under insurance policies issued in this state; requiring insurance policies to include a statement of the mammography coverage provided under the policies; amending s. 627.6419, F.S.; prohibiting insurers from denying coverage to an insured who has been diagnosed as having a fibrocystic condition; amending s. 641.3109, F.S.; requiring health maintenance organization contracts to provide coverage for mammograms; providing an appropriation; providing an effective date.

Senator Holzendorf moved the following amendment which was adopted:

Amendment 2—On page 1, line 18, after “fibrocystic condition or a” insert: non-malignant

On motions by Senator Casas, by two-thirds vote **SB 548** 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 1758—A bill to be entitled An act relating to the leasing and renting of motor vehicles; amending s. 627.7263, F.S.; requiring rental or leasing contracts to provide specific notice that a lessee’s insurance is primary; providing an effective date.

—was read the second time by title. On motions by Senator Harris, by two-thirds vote **SB 1758** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 530—A bill to be entitled An act relating to confidentiality of information under the Whistle-blower’s Act; amending s. 112.3188, F.S.; providing an exemption from public records requirements for the identity of individuals who disclose certain information to a local chief executive officer or other appropriate local official, and for information received by the officer or official, or derived from investigations, under the act; providing conditions for disclosure; providing a penalty; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was read the second time by title.

The Committee on Governmental Reform and Oversight recommended the following amendment which was moved by Senator Hargrett and adopted:

Amendment 1—On page 2, line 9, after “local” insert: *chief*

On motions by Senator Hargrett, by two-thirds vote **SB 530** 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 578—A bill to be entitled An act relating to liquefied petroleum gas; amending ss. 316.302, 553.851, 556.102, F.S.; conforming references in those sections to the transfer of responsibility for liquefied petroleum gas from the Department of Insurance to the Department of Agriculture and Consumer Services; providing an effective date.

—was read the second time by title. On motions by Senator Williams, by two-thirds vote **SB 578** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39 Nays—None

SB 750—A bill to be entitled An act relating to service of process; amending s. 48.27, F.S.; authorizing certified process servers to serve process issued by any trial court of the state; providing an effective date.

—was read the second time by title. On motions by Senator Dudley, by two-thirds vote **SB 750** 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 34—A bill to be entitled An act relating to environmental permitting; amending s. 403.815, F.S.; providing for notice to owners of adjacent real property; providing an effective date.

—was read the second time by title.

Senator Burt moved the following amendment which was adopted:

Amendment 1—On page 2, strike all of lines 12-18 and insert:

(2) *In addition to any public notice of application required under subsection (1), an applicant for a permit to construct, modify, expand, or operate a sewage-treatment facility, or an applicant for a permit to construct or expand a solid-waste facility must provide notice of application by certified mail to the owners of real property adjacent to the property subject to the permit. Proof of notice of application to adjacent property owners must be furnished to the department before the department will determine an application to be complete. For the purposes of this subsection:*

On motions by Senator Burt, by two-thirds vote **CS for SB 34** 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—36 Nays—None

CS for SB 552—A bill to be entitled An act relating to disposition of unclaimed articles; amending s. 715.065, F.S.; revising conditions under which certain unclaimed articles may be disposed of after servicing by jewelry stores or television or radio repair stores; requiring a written estimate of time of service; providing an effective date.

—was read the second time by title.

Senator Harden moved the following amendments which were adopted:

Amendment 1 (with Title Amendment)—On page 2, strike line 10 and insert:

Section 2. Subsection (1) and (2) of section 3 of chapter 93-280, Laws of Florida, as amended by section 3 of chapter 94-191, Laws of Florida, are amended to read:

Section 3. Disposition of unclaimed property amnesty program.—

(1) The disposition of unclaimed property amnesty program, authorized by this section, shall last from *January 1, 1995 until June 30, 1996 until December 31, 1994* and shall be narrowly applied. Such unclaimed property amnesty program applies only to those persons who have an obligation to report and pay or deliver unclaimed property, pursuant to this chapter, which has not been reported to, or discovered by, the department. The program shall encourage such persons to report and remit such unclaimed property during the nonextendible period of time granted by this section. The enforcement powers of the Department of Banking and Finance shall be strengthened as an inducement for non-compliant persons to comply with the provisions of chapter 717, Florida Statutes.

(2) The Department of Banking and Finance shall develop and implement, beginning October 1, 1993, an amnesty program for persons subject to the provisions of chapter 717, Florida Statutes, for property which should be in the custody of the department as unclaimed property. The amnesty program shall apply to property where the conditions leading to the presumption of abandonment, as described in s. 717.102 and ss. 717.1035-717.116, Florida Statutes, are satisfied and such property should be reported or remitted to the department for the *prior five reporting periods before June 1, 1993*. The disposition of unclaimed property amnesty program is a one-time opportunity for eligible persons to comply with the provisions of chapter 717, Florida Statutes, thereby avoiding prosecution and any penalty imposed under such chapter. Eligible persons shall have until *June 30, 1996* ~~December 31, 1994~~, to transfer any abandoned or unclaimed property which is subject to the custody of the department pursuant to the provisions of chapter 717, Florida Statutes. Solely for participants of the disposition of unclaimed property amnesty program, no action or proceeding may be commenced by the department with respect to any duty of a holder under this chapter when such duty arose prior to October 1, 1988.

Section 3. This act shall take effect October 1, 1995, except as otherwise provided.

And the title is amended as follows:

In title, on page 1, line 8, after the semicolon (;) insert: amending s. 3, ch. 93-280, Laws of Florida, as amended by s. 3, ch. 94-191, Laws of Florida; extending the disposition of unclaimed property amnesty program;

Amendment 2—On page 2, line 5, after “disposition” insert: *, or such time period that the parties agree to in writing*

On motions by Senator Harden, by two-thirds vote **CS for SB 552** 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 Jones, by unanimous consent—

SB 800—A bill to be entitled An act making an appropriation to Florida Keys Community College for specified fixed-capital-outlay purposes; providing an effective date.

—was taken up out of order and read the second time by title.

On motion by Senator Jones, by two-thirds vote **HB 1185** was withdrawn from the Committees on Higher Education; and Ways and Means.

On motion by Senator Jones—

HB 1185—A bill to be entitled An act making an appropriation to Florida Keys Community College for specified fixed-capital-outlay purposes; providing an effective date.

—a companion measure, was substituted for **SB 800** and read the second time by title. On motions by Senator Jones, by two-thirds vote **HB 1185** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—36 Nays—None

CS for SB 106—A bill to be entitled An act relating to local governments; amending s. 125.66, F.S.; authorizing boards of county commissioners of charter counties to conduct certain public hearings at times other than as specified by law under certain circumstances; amending s. 166.041, F.S.; authorizing municipalities to conduct certain public hearings at times other than as specified by law under certain circumstances; 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)—Strike everything after the enacting clause and insert:

Section 1. Subsections (5) and (6) of section 125.66, Florida Statutes, are amended to read:

125.66 Ordinances; enactment procedure; emergency ordinances; rezoning or change of land use ordinances or resolutions.—

(5) Ordinances or resolutions, initiated by the board of county commissioners or its designee, which rezone private real property shall be enacted pursuant to the following procedure:

(b) In cases in which the proposed rezoning involves 5 percent or more of the total land area of the county, the board of county commissioners shall provide for public notice and hearings as follows:

1. The board of county commissioners shall hold two advertised public hearings on the proposed ordinance or resolution. Both hearings shall be held after 5 p.m. on a weekday, *unless the board of county commissioners, by a majority plus one vote, elects to conduct one or both of these hearings at another time of day.* ~~and~~ The first public hearing shall be held approximately 7 days after the day that the first advertisement is published. The second hearing shall be held approximately 2 weeks after the first hearing and shall be advertised approximately 5 days prior to the public hearing. The day, time, and place at which the second public hearing will be held shall be announced at the first public hearing.

2. The required advertisements shall be no less than one-quarter page in a standard size or a tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than 18 point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be published in a newspaper of general paid circulation in the county and of general interest and readership in the community pursuant to chapter 50, not one of limited subject matter. It is the legislative intent that, whenever possible, the advertisement shall appear in a newspaper that is published at least 5 days a week unless the only newspaper in the community is published less than 5 days a week. The advertisement shall be in the following form:

NOTICE OF ZONING CHANGE

The . . . (name of local governmental unit) . . . proposes to rezone the land within the area shown in the map in this advertisement.

A public hearing on the rezoning will be held on . . . (date and time) . . . at . . . (meeting place) . . .

The advertisement shall also contain a geographic location map which clearly indicates the area covered by the proposed ordinance or resolution. The map shall include major street names as a means of identification of the area.

3. In lieu of publishing the advertisements set out in this paragraph, the board of county commissioners may mail a notice to each person owning real property within the area covered by the ordinance or resolution. Such notice shall clearly explain the proposed ordinance or resolution and shall notify the person of the time, place, and location of both public hearings on the proposed ordinance or resolution.

(6) Ordinances or resolutions initiated by the board of county commissioners or its designee which do not actually change the zoning designation applicable to a piece of property but do affect the use of land, including, but not limited to, land development regulations as defined in s. 163.3202, regardless of the percentage of the total land area of the county actually affected, shall be enacted or amended pursuant to the following procedure:

(a) The board of county commissioners shall hold two advertised public hearings on the proposed ordinance or resolution. Both hearings shall be held after 5 p.m. on a weekday, *unless the board of county commissioners, by a majority plus one vote, elects to conduct one or both of these hearings at another time of day.* ~~and~~ The first public hearing shall be held approximately 7 days after the day that the first advertisement is published. The second hearing shall be held approximately 2 weeks after the first hearing and shall be advertised approximately 5 days prior to the public hearing. The day, time, and place at which the second public hearing will be held shall be announced at the first public hearing.

The advertisement shall contain a brief explanation of the subject matter of the proposed ordinance or resolution and shall also contain a geographic location map which clearly indicates the area covered by the proposed ordinance or resolution. The map shall include major street names as a means of identification of the area.

Section 2. Paragraph (c) of subsection (3) of section 166.041, Florida Statutes, is amended to read:

166.041 Procedures for adoption of ordinances and resolutions.—

(3)

(c) Ordinances initiated by the governing body or its designee which rezone specific parcels of private real property or which substantially change permitted use categories in zoning districts shall be enacted pursuant to the following procedure:

1. In cases in which the proposed rezoning or change in permitted use involves less than 5 percent of the total land area of the municipality, the governing body shall direct the clerk of the governing body to notify by mail each real property owner whose land the municipality will rezone or whose land will be affected by the change in permitted use by enactment of the ordinance and whose address is known by reference to the latest ad valorem tax records. The notice shall state the substance of the proposed ordinance as it affects that property owner and shall set a time and place for one or more public hearings on such ordinance. Such notice shall be given at least 30 days prior to the date set for the public hearing, and a copy of the notice shall be kept available for public inspection during the regular business hours of the office of the clerk of the governing body. The governing body shall hold a public hearing on the proposed ordinance and may, upon the conclusion of the hearing, immediately adopt the ordinance.

2. In cases in which the proposed ordinance deals with more than 5 percent of the total land area of the municipality, the governing body shall provide for public notice and hearings as follows:

a. The local governing body shall hold two advertised public hearings on the proposed ordinance. Both hearings shall be held after 5 p.m. on a weekday, *unless the local governing body, by a majority plus one vote, elects to conduct one or both of these hearings at another time of day.* ~~and~~ The first public hearing shall be held approximately 7 days after the

day that the first advertisement is published. The second hearing shall be held approximately 2 weeks after the first hearing and shall be advertised approximately 5 days prior to the public hearing. The day, time, and place at which the second public hearing will be held shall be announced at the first public hearing.

b. The required advertisements shall be no less than one-quarter page in a standard size or a tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than 18 point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be published in a newspaper of general paid circulation in the municipality and of general interest and readership in the community, not one of limited subject matter, pursuant to chapter 50. It is the legislative intent that, whenever possible, the advertisement appear in a newspaper that is published at least 5 days a week unless the only newspaper in the community is published less than 5 days a week. The advertisement shall be in the following form:

NOTICE OF ZONING (PERMITTED USE) CHANGE

The . . . (name of local governmental unit) . . . proposes to rezone (change the permitted use of) the land within the area shown in the map in this advertisement.

A public hearing on the rezoning will be held on . . . (date and time) . . . at . . . (meeting place) . . .

The advertisement shall also contain a geographic location map which clearly indicates the area covered by the proposed ordinance. The map shall include major street names as a means of identification of the area.

c. In lieu of publishing the advertisement set out in this paragraph, the municipality may mail a notice to each person owning real property within the area covered by the ordinance. Such notice shall clearly explain the proposed ordinance and shall notify the person of the time, place, and location of both public hearings on the proposed ordinance.

Section 3. 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 local government; amending s. 125.66, F.S.; authorizing boards of county commissioners to conduct certain public hearings at certain times under certain circumstances; amending 166.041, F.S.; authorizing governing bodies of municipalities to conduct certain public hearings at certain times under certain circumstances; providing an effective date.

On motions by Senator Forman, by two-thirds vote **CS for SB 106** 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—1

SB 624—A bill to be entitled An act relating to the office of sheriff; amending s. 30.073, F.S.; providing a cross-reference to specify which laws apply to deputy sheriffs; providing that a deputy sheriff may not be terminated for a discriminatory reason; amending s. 30.075, F.S.; providing a cross-reference pertaining to appeals of terminations; providing for appeals of terminations of deputy sheriffs for lawful off-duty political activity; amending s. 30.076, F.S.; deleting a reference to notices of suspension or demotion; specifying that hearings may be requested for termination for off-duty political activity; providing for reinstatement of a deputy if, on appeal, the termination action of the sheriff is not sustained; amending s. 30.078, F.S.; prohibiting an incoming sheriff from terminating certain deputy sheriffs; clarifying the provision; providing an effective date.

—was read the second time by title. On motions by Senator Silver, by two-thirds vote **SB 624** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39 Nays—None

MOTION

On motion by Senator Jennings, the rules were waived and time of recess was extended until final action on **CS for SB 1046**.

SB 654—A bill to be entitled An act relating to sheriffs; amending ss. 30.49, 215.425, F.S.; providing for sheriffs to pay a clothing and maintenance allowance to plainclothes deputies; providing an effective date.

—was read the second time by title.

The Committee on Criminal Justice recommended the following amendment which was moved by Senator Brown-Waite and adopted:

Amendment 1—On page 1, strike line 15 and insert: *allowance for plainclothes deputies within his*

On motions by Senator Brown-Waite, by two-thirds vote **SB 654** 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—None

SB 572—A bill to be entitled An act relating to adult congregate living facilities; amending ss. 159.27, 196.1975, 205.1965, 400.0060, 400.0069, 400.401, 400.402, 400.404, 400.407, 400.408, 400.412, 400.4195, 400.42, 400.421, 400.426, 400.435, 400.442, 400.447, 400.452, 400.553, 400.609, 400.618, 400.619, 400.621, 400.701, 400.702, 405.01, 408.032, 408.033, 408.035, 409.212, 410.031, 410.034, 410.502, 415.102, 415.103, 415.105, 415.107, 420.623, 468.1695, 468.505, 509.013, 633.021, 633.022, 651.083, F.S.; redesignating such facilities as “assisted living facilities”; providing an effective date.

—was read the second time by title. On motions by Senator Grant, by two-thirds vote **SB 572** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 554—A bill to be entitled An act relating to adult congregate living facilities; providing legislative findings and intent; creating within the Department of Elderly Affairs a task force to recommend specialized training for staff members of adult congregate living facilities that provide care for persons who have Alzheimer’s disease or other memory impairment; providing for membership; providing travel and per diem expenses for certain task force members; providing an effective date.

—was read the second time by title.

Senator Grant moved the following amendment which was adopted:

Amendment 1—On page 4, line 5, insert:

Section 3. The term “Adult Congregate Living Facility” shall be changed to “Assisted Living Facility.”

(Renumber remaining sections.)

On motions by Senator Bankhead, by two-thirds vote **SB 554** 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 SB 1046—A bill to be entitled An act relating to financial responsibility with respect to the operation of motor vehicles; amending s. 324.201, F.S.; amending the circumstances in which a law enforcement officer may seize the license plate of a motor vehicle; creating s. 324.032, F.S.; providing for manner of proving financial responsibility; providing an effective date.

—was read the second time by title.

Senator Forman moved the following amendment which was adopted:

Amendment 1—On page 2, line 23, insert:

Section 3. The provisions of section 2 of this act shall not apply in a county with a population in excess of 1.25 million persons as of the effective date of this act.

(Renumber subsequent sections.)

On motions by Senator Dyer, by two-thirds vote **CS for 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—40 Nays—None

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Thursday, April 13, 1995: CS for SB 1554, CS for SB 288, CS for SB 72, SB 576, CS for SB 182, SB 548, SB 1758, SB 530, SB 578, SB 750, CS for SB 34, CS for SB 552, CS for SB 106, SB 624, SB 654, SB 572, SB 554, CS for SB 1046, CS for SB 622, SB 1030, SB 800, SB 948, SB 336, SB 520, SB 496, CS for SB 502, SB 2094, SB 760, SB 1826, SB 1724, SB 2386, SB 568, SB 514, SB 1456, CS for SB 872, CS for SB 796, SB 1802, SB 1818, CS for SB 1914

Respectfully submitted,
Toni Jennings, Chairman

The Committee on Health Care recommends the following pass: SB 2088 with 2 amendments

The bill was referred to the Committee on Banking and Insurance under the original reference.

The Committee on Agriculture recommends the following pass: SB 2536

The Committee on Natural Resources recommends the following pass: SB 1716 with 1 amendment, SB 1718

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

The Committee on Education recommends the following pass: SB 2032

The bill was referred to the Committee on Health and Rehabilitative Services under the original reference.

The Committee on Education recommends the following pass: SB 2010 with 1 amendment

The Committee on Health Care recommends the following pass: SB 2306 with 2 amendments, SB 2414 with 1 amendment

The Special Master on Claims recommends the following pass: SB 80, SB 1354

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

The Committee on Education recommends the following pass: SB 1618 with 1 amendment

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

The Committee on Banking and Insurance recommends the following pass: SB 2194 with 1 amendment

The Committee on Education recommends the following pass: SB 1514, SB 1584 with 1 amendment, SB 1918 with 2 amendments, SB 1934, SB 1972 with 4 amendments, SB 2426 with 2 amendments, SB 2664 with 1 amendment

The Committee on Health Care recommends the following pass: SB 1020 with 4 amendments, SB 2434 with 1 amendment, SB 2856 with 1 amendment

The Committee on Natural Resources recommends the following pass: SB 1804

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

The Committee on Banking and Insurance recommends the following pass: SB 2160 with 4 amendments

The bill was placed on the calendar.

The Committee on Health Care recommends a committee substitute for the following: SB 914

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

The Committee on Criminal Justice recommends a committee substitute for the following: SB 1044

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

The Committee on Criminal Justice recommends a committee substitute for the following: SB 2326

The bill with committee substitute attached was referred to the Committee on Health and Rehabilitative Services under the original reference.

The Committee on Community Affairs recommends a committee substitute for the following: SB 92

The Committee on Criminal Justice recommends committee substitutes for the following: SB 2216, SB 2312

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 Governmental Reform and Oversight recommends a committee substitute for the following: SB 1336

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

The Committee on Criminal Justice recommends committee substitutes for the following: SB 658, SB 1806, SB 2282, SB 2728, SB 2924

The Committee on Governmental Reform and Oversight recommends a committee substitute for the following: SB 2486

The Committee on Health and Rehabilitative Services recommends a committee substitute for the following: CS for SB 722

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

The Committee on Criminal Justice recommends a committee substitute for the following: SB 2810

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

REPORTS OF COMMITTEES RELATING TO EXECUTIVE BUSINESS

The Committee on Natural Resources recommends that the Senate confirm the appointments made by the Governor of Bennett Eubanks, E. Hentz Fletcher, Jr., M. Copeland Griswold, Robert Lee Howell and George W. Willson, Jr. as members of the Governing Board of the North-west Florida Water Management District.

The appointments contained in the foregoing report were referred to the Committee on Executive Business, Ethics and Elections under the original reference.

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By Senator Thomas—

SR 3016—A resolution commending the Freemasons and Wallace L. Dawson for their contributions to the State of Florida.

—was referred to the Committee on Rules and Calendar.

SB 3018 was introduced out of order and referenced April 12.

By Senator McKay—

SB 3020—A bill to be entitled An act relating to the Braden River Fire Control and Rescue District, Manatee County; amending chapter 85-454, Laws of Florida, as amended; amending the description of lands to be incorporated within the district; amending provisions relating to the authority to levy special assessments; amending provisions relating to the impact fees levied by the Braden River Fire Control and Rescue 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 Harris—

SB 3022—A bill to be entitled An act relating to Charlotte County, relating to bridgeless barrier islands; allowing the use of golf carts on county roads located on such islands as designated by Charlotte County; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Burt—

SB 3024—A bill to be entitled An act relating to Volusia County; providing for legislative intent; providing uniform filing dates and uniform election dates for municipal elections; providing for terms of office; providing for correspondence of terms of municipal office to the common dates provided in this act; providing that the general law for absentee ballots shall apply to all absentee ballots in municipal elections; providing for exemptions; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Dudley—

SB 3026—A bill to be entitled An act relating to Lee County; amending chapter 76-411, Laws of Florida, as amended; expanding the boundaries of the San Carlos Park Fire Protection and Rescue Service District; providing for a referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Dudley—

SB 3028—A bill to be entitled An act relating to Matlacha/Pine Island Fire Control District; annexing Galt Island Subdivision into the district; providing for a referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Jones—

SB 3030—A bill to be entitled An act relating to Monroe County; authorizing the school board to deposit proceeds from the sale of real property into an interest-bearing account and to use the interest to fund certain school transportation needs; providing an effective date.

Proof of publication of the required notice was attached.

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

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Community Affairs and Senators Turner, Bronson and Dyer—

CS for SB 92—A bill to be entitled An act relating to housing finance authorities; amending s. 159.608, F.S.; authorizing housing finance authorities to issue mortgage credit certificates; amending s. 159.803, F.S.; defining the term "mortgage credit certificate"; amending s. 159.805, F.S.; providing for notice to the division regarding nonuse of mortgage credit certificates; exempting from specified requirements allocations for which an election has been made to issue mortgage credit certificates; creating s. 159.8075, F.S.; providing for qualified mortgage credit certificates; authorizing housing finance authorities to issue qualified mortgage credit certificates to qualified home buyers in accordance with federal law as an alternative to the issuance of single-family mortgage revenue bonds; exempting allocations used for mortgage credit certificates from s. 159.805(2), F.S.; amending s. 159.81, F.S.; providing for the automatic carryforward of the private activity bond allocation for unissued mortgage credit certificates; providing an effective date.

By the Committee on Criminal Justice and Senator Myers—

CS for SB 658—A bill to be entitled An act relating to domestic violence; creating s. 784.035, F.S.; prescribing increased penalties for repeated acts of battery constituting domestic violence; providing an effective date.

By the Committees on Health and Rehabilitative Services; Health Care; and Senators Myers, Grant, Latvala and Brown-Waite—

CS for CS for SB 722—A bill to be entitled An act relating to health care, human and social services; amending s. 20.171, F.S.; deleting the Division of Vocational Rehabilitation from the Department of Labor and Employment Security; 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; reorganizing the internal structure of the Department of Human Services; repealing s.

20.42, F.S., relating to the Agency for Health Care Administration; abolishing the agency; transferring all functions of the agency to the Department of Health Care Services; transferring the programs relating to children's medical services, developmental services, public health and alcohol, drug abuse, and mental health from the Department of Health and Rehabilitative Services to the Department of Health Care Services; providing for the Health Coordinating Council, created by this act, to assume the powers, duties, functions, records, property, and unexpended balances of appropriations of the Health Care Board created under s. 408.033, F.S.; providing for the council to assume the powers, duties, functions, records, property, and unexpended balances of appropriations of the Statewide Health Council created under s. 408.033, F.S.; repealing s. 408.003, F.S., relating to the appointment of members to the Health Care Board; transferring responsibility for the Division of Vocational Rehabilitation from the Department of Labor and Employment Security to the Department of Health Care Services; creating the Department of Health Care Services; providing for the purpose, organization, and duties of the department; providing for the programs to be administered through not more than seven regions; creating the Health Coordinating Council within the department; providing for the appointment of members of the council; providing for terms of office; providing for remuneration of members and for reimbursement for per diem expenses; providing for an executive director of the council; providing duties and responsibilities of the council; 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, 39.021, 39.025, 39.039, 39.046, 39.047, 39.052, 39.055, 39.058, 39.0582, 39.0585, 39.059, 39.39, 39.418, 39.449, 39.459, 40.022, 61.13, 61.20, 63.022, 63.032, 63.062, 63.202, 63.212, 63.301, 68.07, 90.503, 90.6063, 98.093, 110.1125, 110.1127, 110.123, 110.131, 110.205, 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, 154.306, 154.312, 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, 215.3208, 216.0172, 216.136, 216.341, 218.65, 222.21, 228.0617, 228.081, 228.093, 228.121, 229.8075, 229.832, 230.23, 230.2305, 230.23135, 230.2316, 230.2317, 230.33, 230.71, 231.02, 231.381, 232.0315, 232.032, 232.13, 232.2481, 232.258, 232.303, 232.304, 232.36, 232.50, 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, 287.088, 287.155, 288.0475, 288.975, 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, 376.3078, 377.712, 380.05, 380.051, 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, 381.0406, 381.045, 381.0602, 381.0605, 381.6021, 381.6022, 381.6023, 381.6024, 381.6025, 381.698, 381.81, 382.002, 382.0135, 383.011, 383.013, 383.016, 383.04, 383.05, 383.11, 383.12, 383.13, 383.14, 383.16, 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, 391.031, 391.056, 391.091, 391.202, 391.203, 391.205, 391.206, 391.207, 391.208, 391.210, 391.211, 391.212, 391.213, 391.214, 391.304, 391.305, 391.306, 391.307, 392.52, 393.001, 393.063, 393.064, 393.065, 393.066, 393.067, 393.0673, 393.0675, 393.071, 393.075, 393.075, 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, 394.675, 394.73, 394.74, 394.75, 394.76, 394.78, 394.79, 395.002, 395.003, 395.004, 395.0161, 395.0162, 395.0163, 395.0185, 395.0191, 395.0193, 395.0197, 395.0199, 395.1023, 395.1027, 395.1041, 395.1046, 395.1055, 395.1065, 395.301, 395.3015, 395.3025, 395.4025, 395.602, 395.603, 395.604, 395.605, 395.606, 395.701, 395.7015, 395.805, 395.806, 395.807, 397.311, 397.321, 397.405, 397.427, 397.706, 397.753, 397.754, 397.801, 397.821, 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,

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conforming those sections to the changes in duties and changes of names of departments made by this act; deleting the limitation on the number of sites operated under the Florida Health Kids Corporation Act; authorizing the board of directors of the program to contract with the additional agencies and perform additional functions; amending s. 400.487, F.S.; authorizing podiatrists to evaluate home health care services; amending s. 408.033, F.S.; providing legislative intent; revising the membership of the local health councils; specifying regions for purposes of local health council activities; providing additional duties of the local health councils, including planning for seriously mentally ill and substance-abuse-impaired persons; authorizing the local health councils to participate in community health purchasing alliances; providing for the Health Coordinating Council to match the funds generated by local health councils up to a specified amount; deleting provisions creating the statewide health council; requiring the Department of Health Care Services rather than the Agency for Health Care Administration to establish fees and assessments for specified health care facilities for the purpose of providing funding for the local health councils; providing duties of the Health Coor-

inating Council with respect to health planning; transferring the arthropod control program from the Department of Agriculture and Consumer Services; amending s. 388.011, F.S.; redefining the department that has responsibility for control of arthropods of public health importance as the Department of Health Care Services; amending s. 388.111, F.S.; providing for vacancies on mosquito-control districts to be filled by the Governor; amending s. 388.131, F.S.; providing for commissioners of such districts to give bond with the Governor; providing for administration of children's medical services functions in certain districts; providing for continuing effect of existing rules; providing for continuation of administrative and judicial proceedings; providing appropriations; repealing s. 408.302, F.S., relating to a cooperative agreement between the Department of Health and Rehabilitative Services and the Agency for Health Care Administration; repealing s. 395.304, F.S., relating to a report by the Agency for Health Care Administration; 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 for a transition advisory committee for the implementation of the new department and a report with respect thereto; providing for an interagency agreement; creating the Florida Children's Medical Assurance Act; providing legislative intent; requiring a study and report; providing for a study committee; providing an appropriation; amending s. 381.81, F.S.; directing the Commission on Minority Health to develop proposals for a health professional mentoring program; creating s. 381.815, F.S.; providing legislative findings; providing a definition of "minority"; establishing the Office of Minority Health within the Department of Health Care Services; providing functions and responsibilities of the Office of Minority Health; amending s. 8, ch. 93-247, Laws of Florida; revising expiration date of the Commission on Minority Health; creating s. 402.475, F.S.; establishing the osteoporosis prevention and education program within the Department of Health Care Services; providing duties and responsibilities; providing for administration by the State Health Office, in consultation with the Department of Elderly Affairs; amending s. 499.033, F.S.; prescribing guidelines for dispensing ephedrine and products containing ephedrine; amending s. 499.0054, F.S.; prescribing guidelines for advertising products containing ephedrine; amending s. 893.03, F.S.; excluding certain nonprescription drugs from the schedules of controlled substances; providing effective dates.

By the Committee on Health Care and Senator Myers—

CS for SB 914—A bill to be entitled An act relating to health care; amending ss. 627.6472, 641.31, F.S.; prohibiting exclusive provider organizations and health maintenance organizations from requiring the policyholder or subscriber to obtain a referral to receive services from certain health care providers; providing an effective date.

By the Committee on Criminal Justice and Senator Dyer—

CS for SB 1044—A bill to be entitled An act relating to fines for county court facilities or crime prevention programs; creating s. 939.18, F.S.; providing for an additional assessment on persons pleading guilty or nolo contendere to, or found guilty of, a crime to be used to maintain court facilities and court expenses or county crime prevention programs; authorizing the creation of court facilities trust funds, special accounts, or county crime prevention trust funds by county commissioners; requiring clerks of court to remit any such assessments to the county in which the prosecution commenced; providing for investment of trust moneys by the clerk of the court; providing for the administration, supervision, and evaluation of the fund or account by the county commissioners; providing for expenditures from the fund or account; authorizing requirement of approval of the chief judge in the judicial circuit for appropriating moneys from a court facilities trust fund or special account; providing that trust funds established by ordinance prior to the effective date shall remain in effect; providing for three-fifths vote of the Legislature; providing an effective date.

By the Committee on Criminal Justice and Senator Dantzler—

CS for SB 1806—A bill to be entitled An act relating to legal actions brought by prisoners; amending s. 57.081, F.S.; providing that prisoners are not entitled to receive without charge certain services of courts, sheriffs, and clerks; creating s. 57.085, F.S.; providing circumstances for prepayment or waiver of court costs and fees of indigent prisoners; amending

s. 95.11, F.S.; providing limits for filing of petitions and actions brought by or on behalf of prisoners; creating s. 944.279, F.S.; providing for loss of gain-time for filing frivolous or malicious actions; amending s. 944.28, F.S.; specifying that gain-time is subject to forfeiture for bringing frivolous or malicious actions; providing an effective date.

By the Committee on Criminal Justice and Senator Diaz-Balart—

CS for SB 2216—A bill to be entitled An act relating to domestic violence; amending s. 741.28, F.S.; revising a definition; amending s. 741.29, F.S.; revising guidelines for liability of a law enforcement officer with respect to alleged domestic violence incidents; amending s. 741.2901, F.S.; revising legislative intent; requiring arrestees to be held in custody under certain circumstances; providing criteria for court determination of bail; amending s. 741.2902, F.S.; revising legislative intent with respect to the judiciary's role; amending s. 741.30, F.S.; revising duties of clerks of court, and guidelines and procedures relating to injunctions and mutual orders of protection; providing for mandatory attendance by respondents in batterers' intervention programs; amending s. 741.31, F.S.; providing guidelines and procedures with respect to violations of injunctions for protection against domestic violence; providing for a report; creating s. 784.047, F.S.; providing criminal penalties for specified violations of injunctions for protection against repeat violence; amending s. 775.084, F.S.; redefining "habitual violent felony offender" to include previous convictions for aggravated stalking; amending s. 775.087, F.S.; including aggravated stalking among specified offenses involving possession or use of weapon to which mandatory prison terms apply; amending s. 776.08, F.S.; redefining "forcible felony" to include aggravated stalking; amending s. 782.04, F.S.; making it a capital felony to commit the unlawful killing of a human being while perpetrating or attempting to perpetrate aggravated stalking; providing penalties for specified murders involving the perpetration or attempt to perpetrate aggravated stalking; amending s. 907.041, F.S., relating to pretrial detention and release; redefining "dangerous crime" to include stalking, aggravated stalking, or acts of domestic violence, or attempting or conspiring to commit such crimes; amending s. 784.046, F.S., relating to actions by victims of repeat violence; redefining "violence" and "repeat violence" to include stalking; allowing the court to enforce injunctions for protection against repeat violence through criminal contempt proceedings; amending s. 790.065, F.S.; including additional criteria for conditional nonapproval of licensure; amending s. 27.51, F.S.; providing for representation by the public defender of indigent subject to criminal contempt sanctions under specified circumstances; providing legislative findings and guidelines with respect to batterers' intervention programs; establishing the Office for Certification and Monitoring of Batterers' Intervention Programs in the Department of Corrections; providing rulemaking authority to the department and guidelines for policymaking; creating s. 741.281, F.S.; requiring batterers' intervention program attendance for certain domestic violence offenders; amending s. 901.15, F.S.; revising grounds for warrantless arrests; creating the Commission on Minimum Standards for Batterers' Intervention within the Office of the Governor; providing for appointment, terms, duties, and per diem reimbursement and travel expenses of commission members; providing effective dates.

By the Committee on Criminal Justice and Senator Harris—

CS for SB 2282—A bill to be entitled An act relating to insurance; amending s. 624.438, F.S.; establishing licensing standards for multiple-employer welfare arrangements; amending s. 626.561, F.S.; providing criminal penalties for the intentional conversion of premiums or return premiums by an agent or other person; amending s. 626.902, F.S.; providing criminal penalties for the representation of unlicensed insurers by licensed insurance agents and other persons; amending s. 626.989, F.S.; providing for immunity to insurers sharing information relating to fraudulent insurance acts; providing for attorney's fees; creating s. 626.9891, F.S.; providing for insurer anti-fraud actions; specifying content of insurer anti-fraud plans; requiring filing by a specified date; providing penalties; amending s. 772.102, F.S.; including certain provisions of law within the definition of "criminal activity"; 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.; including certain provisions of law within the definition of "racketeering activity"; providing an effective date.

By the Committee on Criminal Justice and Senators Silver and Bankhead—

CS for SB 2312—A bill to be entitled An act relating to crime victims; amending s. 16.54, F.S.; expanding the duties of the Crimes Prevention Training Institute to include victims services training programs; amending s. 215.20, F.S.; deleting the Crime Compensation Trust Fund from the list of trust funds subject to a 7 percent service charge; amending s. 215.22, F.S.; adding the Crime Compensation Trust Fund and Marriage License Fees Trust Fund to the list of trust funds exempt from the deduction required by s. 215.20(1), F.S.; amending s. 775.0835, F.S.; allowing the court to impose fines against all criminal defendants found guilty or pleading guilty or nolo contendere to a crime; creating s. 784.049, F.S.; creating a civil cause of action for stalking; defining elements of stalking; providing for injunctive, restraining, or equitable relief, and punitive damages; amending s. 960.03, F.S.; defining “vulnerable adult,” “lost income,” “property loss,” and “treatment”; amending s. 960.05, F.S.; expanding the duties of the Crime Victims’ Services Office to include developing a model curriculum for victim services training programs and providing such training; amending s. 960.065, F.S.; prohibiting crime victim compensation awards to certain persons; creating s. 960.105, F.S.; requiring medical, dental, and psychological treatment providers to defer for a 1-year period collection of debt incurred by a crime victim as a result of being a victim of a violent crime; amending s. 960.13, F.S.; placing a cap on lost income and on all other crime victims’ compensation awards; creating s. 960.195, F.S.; providing for awards to vulnerable adults for property loss, under certain circumstances; reenacting and amending s. 960.28, F.S.; authorizing the Crime Victims’ Services Office to pay for victims’ initial forensic physical examinations; repealing s. 15(2) of ch. 94-342, Laws of Florida; abrogating the repeal of s. 960.28, F.S., relating to payments by the Department of Legal Affairs for the initial medical examinations of alleged sexual abuse victims; providing for local compensation award pilot projects; providing for a report to the Legislature; amending s. 775.089, F.S.; providing for set off against restitution to the victim of moneys received in collateral civil proceedings; providing effective dates.

By the Committee on Criminal Justice and Senators Bankhead and Forman—

CS for SB 2326—A bill to be entitled An act relating to the community juvenile justice partnership grants program; amending s. 39.025, F.S.; revising procedures for grant applications; transferring the administration of the community juvenile justice partnership grants program from the interagency task force in the Department of Legal Affairs to the Department of Juvenile Justice; providing for a type two transfer of powers, duties, functions, records, personnel, property, and unexpended balances of appropriations and allocations; repealing s. 320.08045, F.S., relating to the motor vehicle theft prevention surcharge on license tax; amending s. 320.08046, F.S.; consolidating two surcharges on license taxes and conforming guidelines for surcharge distribution; repealing s. 860.1545, F.S., relating to the interagency task force in the Department of Legal Affairs; amending s. 860.158, F.S.; conforming provisions relating to the Florida Motor Vehicle Theft Prevention Trust Fund distribution; providing an effective date.

By the Committee on Governmental Reform and Oversight; and Senator Bankhead—

CS for SB 2486—A bill to be entitled An act relating to retirement; amending s. 121.021, F.S.; redefining the the “compensation” for purposes of the Florida Retirement System to exclude specified employee benefits; amending s. 112.05, F.S.; providing for the calculation of the cost-of-living adjustment pursuant to s. 121.101, F.S.; amending s. 112.64, F.S.; modifying requirements for determining payroll growth assumptions for unfunded liability amortization schedules; amending s. 121.021, F.S., to remove obsolete language from the definition of “city”; amending s. 121.051, F.S.; providing for compulsory participation of employees of certain dependent governmental entities under the jurisdiction of an independent governmental entity in the Florida Retirement System; amending s. 121.052, F.S.; providing for membership in the Senior Management Service Class for certain elected officials; clarifying provisions relating to purchase of retirement credit for upgraded service by certain elected officers and former elected officers; amending s. 121.055, F.S.;

providing for participation in the Senior Management Service Optional Annuity Program for certain elected officials; allowing membership in the Senior Management Service Class for certain senior managers in the Department of Military Affairs; amending s. 121.101, F.S.; eliminating the use of the standard benefit when calculating the initial cost-of-living adjustment; clarifying provisions relating to determination of the monthly benefit; amending s. 121.1115, F.S.; providing requirements for purchase of retirement credit for out-of-state public employment; amending s. 121.30, F.S.; providing for application of federal limits on retirement benefits and compensation used for retirement purposes; providing an effective date.

By the Committee on Criminal Justice and Senator Silver—

CS for SB 2728—A bill to be entitled An act relating to criminal justice; amending s. 16.56, F.S.; authorizing the Office of Statewide Prosecution in the Department of Legal Affairs to investigate and prosecute specified offenses defined as racketeering activity; amending s. 905.34, F.S.; providing jurisdiction of the statewide grand jury over such offenses; providing an effective date.

By the Committee on Criminal Justice and Senator Silver—

CS for SB 2810—A bill to be entitled An act relating to law enforcement officers; amending s. 943.133, F.S.; providing that background information for applicants for law enforcement or correctional officer positions should include information on previous separations from employment or appointment; clarifying applicability; providing an effective date.

By the Committee on Criminal Justice and Senator Crist—

CS for SB 2924—A bill to be entitled An act relating to the Division of Criminal Justice Information Systems of the Department of Law Enforcement; amending s. 943.05, F.S.; deleting certain powers and duties of the division; providing an effective date.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

RETURNING MESSAGES ON SENATE BILLS

The Honorable James A. Scott, President

I am directed to inform the Senate that the House of Representatives has passed SB 2800, with amendment, and requests the concurrence of the Senate, or failing to concur, requests the Senate to appoint a committee of conference to meet with a like committee appointed from the House to resolve the differences between the houses.

The Speaker has appointed the following Representatives as conferees on the part of the House: Representative Ritchie, Chair; and Representative Garcia, Vice Chair; Representative Edwards, Alternate; Subcommittee I (Aging and Human Services): Representative Hafner, Chair; Representatives Sanderson and Graber; Representatives Wise and Eggelton, Alternates; Subcommittee II (Criminal Justice): Representative Roberts-Burke, Chair; Representatives Valdes and Martinez; Representatives Trammell and Bitner, Alternates; Subcommittee III (Education): Representative Arnold, Chair; Representatives King, Mackenzie, Chestnut and Garcia; Representatives D. Saunders and Jones, Alternates; Subcommittees IV and V (General Government; and Transportation and Economic Development): Representatives Mackey and Reddick, Co-Chairs; Representatives Pruitt, Sublette, Bronson and Morse; Representatives Sembler and Lawson, Alternates; PECO: Representative Peoples.

John B. Phelps, Clerk

SB 2800—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 1995, and ending June 30, 1996, and supplemental appropriations for the period ending June 30, 1995, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing effective dates.

MOTIONS

Pursuant to Rule 7.6, the amendment constituted an entirely new bill and was not published in the Journal.

On motions by Senator Dudley, the Senate refused to concur in the House amendment to **SB 2800** and acceded to the request for a conference committee.

CONFEREES ON SB 2800 APPOINTED

The President appointed Senator Diaz-Balart, Chairman; at Large Member, Senator Beard; Subcommittee A (General Government): Senator Dantzler, Chairman; Senators Casas, Childers, Hargrett and Harris; Subcommittee B (Education): Senator Dudley, Chairman; Senators Horne, Jenne, Kirkpatrick, Sullivan and Williams; Subcommittee C (Human Services): Senator Myers, Chairman; Senators Bankhead, Gutman, Kurth, Ostalkiewicz and Thomas; Subcommittee D (Criminal Justice): Senator Crist, Chairman; Senators Burt, Jones, Latvala, Silver and Weinstein as conferees on **SB 2800**.

The action of the Senate was certified to the House.

The Honorable James A. Scott, President

I am directed to inform the Senate that the House of Representatives has passed SB 2802, with amendment, and requests the concurrence of the Senate, or failing to concur, requests the Senate to appoint a committee of conference to meet with a like committee appointed from the House to resolve the differences between the houses.

The Speaker has appointed the following Representatives as conferees on the part of the House: Representative Ritchie, Chair; and Representative Garcia, Vice Chair; Representative Edwards, Alternate; Subcommittee I (Aging and Human Services): Representative Hafner, Chair; Representatives Sanderson and Graber; Representatives Wise and Eggelletion, Alternates; Subcommittee II (Criminal Justice): Representative Roberts-Burke, Chair; Representatives Valdes and Martinez; Representatives Trammell and Bitner, Alternates; Subcommittee III (Education): Representative Arnold, Chair; Representatives King, Mackenzie, Chestnut and Garcia; Representatives D. Saunders and Jones, Alternates; Subcommittees IV and V (General Government; and Transportation and Economic Development): Representatives Mackey and Reddick, Co-Chairs; Representatives Pruitt, Sublette, Bronson and Morse; Representatives Sembler and Lawson, Alternates; PECO: Representative Peoples.

John B. Phelps, Clerk

SB 2802—A bill to be entitled An act relating to implementing the fiscal year 1995-1996 General Appropriations Act; providing legislative intent; authorizing the Department of Health and Rehabilitative Services to use general revenue funds to extend AFDC and Medicaid benefits to certain asylum applicants; requiring quarterly reports by the Department of Health and Rehabilitative Services on specified pending class-action litigation; authorizing the Department of Health and Rehabilitative Services and the Agency for Health Care Administration to transfer general revenue funds as necessary to comply with any proviso language or provision of law requiring or specifically authorizing the transfer of general revenue funds between the two agencies; transferring responsibility for the state pharmaceutical contract from the Department of Management Services to the Department of Health and Rehabilitative Services; prescribing the data to be used in disproportionate-share-program determinations; authorizing the Department of Health and Rehabilitative Services to advance moneys for certain contract services; specifying how the Agency for Health Care Administration shall make payments for the Medicaid disproportionate share program; prescribing the method by which the Department of Health and Rehabilitative Services shall determine and make allocations to its service districts; allowing the Board of Pharmacy to provide certain exemptions for pharmacy programs at the Department of Corrections; allowing certain juvenile justice programs to be considered institutions for the purpose of replacing motor vehicles; prescribing law enforcement uses to which certain unused funds resulting from the settlement of litigation may be put; authorizing the Division of Bond Finance of the State Board of Administration to refinance certain bonds; prescribing duties of state agencies covered by the state risk management program with respect to funding costs for employees entitled to workers' compensation benefits; providing for indemnification of the Florida Casualty Insurance Risk Management Trust Fund; authorizing

the Department of State to use specified funds to operate and maintain information systems and equipment for public records access; authorizing the transfer of certain funds from the sale of management area stamps to the State Game Trust Fund for agency operations; authorizing use of the Florida International Trade and Promotion Trust Fund to fund the Division of International Trade and Development of the Department of Commerce; authorizing use of the Cultural Institutions Trust Fund to fund matching endowments under the Fine Arts Endowment Program and the state touring program, subject to legislative appropriation; requiring the Auditor General to resume routine financial and operational audits of the Florida Public Service Commission; prohibiting the Department of Environmental Protection from seeking certain reimbursement to the Water Quality Assurance Trust Fund; directing the Department of Management Services to delegate responsibility for disposal of surplus property; requiring coordination among the Departments of Environmental Protection, Agriculture and Consumer Services, and Juvenile Justice and the Game and Fresh Water Fish Commission to site juvenile justice residential facilities; specifying program orientation; requiring a report; authorizing the Department of State to use the Cultural Institutions Trust Fund to fund certain cultural programs when appropriations are provided for such purposes; providing for reallocation of funds with respect to assessments for the Florida Casualty Insurance Risk Management Trust Fund; authorizing a certain appropriation to be used for mosquito control and transferring moneys collected from waste tire fees to the Department of Agriculture and Consumer Services; requiring the use of specified moneys to fund the pedestrian bridge crossing State Road 92, North Dale Mabry Highway; authorizing the Department of Transportation to enter into a revenue producing demonstration program using landscape design under certain conditions; providing for the disbursement of Advance Disposal Fees under certain conditions; authorizing the Department of Environmental Protection to carry forward certain unencumbered funds; providing for calculation of the statewide adjusted aggregate required local effort for all school districts from ad valorem taxes, under authority of the Commissioner of Education; providing for adjustment of the required local effort millage rate of certain districts; providing for calculation of the maximum total weighted full-time equivalent student enrollment of each school district; prescribing limits on increases in financial assistance payments for private tuition assistance; authorizing the Department of Education to contract for the 1995 cost-of-living market basket survey; excluding certain nonvoted discretionary taxes and state funds from the calculation of the minimum guaranteed funding level per weighted full-time equivalent; authorizing the Department of Education to enter into codevelopment contracts; continuing the waiver of certain education laws; exempting the Knott Data Center and Projects, Contracts, and Grants Programs from certain budget request requirements; allowing the Department of Education to approve certain items for the center and such projects, contracts, and grants programs; prohibiting certain obligations of state funds; requiring the use of Safe School funding consistent with associated proviso; requiring a separate vote by any school board to levy certain supplemental nonvoted discretionary millage authorized in the General Appropriations Act; allowing the Commissioner of Education to reorganize the Department of Education; requiring reports; requiring the Commissioner of Education to authorize pilot projects to use an alternative method of funding exceptional student education; providing job qualifications for employees of the Florida Education Finance Program full-time enrollment verification function that is transferred to the Auditor General; providing for a proposed distribution schedule of funds from the Educational Enhancement Trust Fund; prohibiting the Commissioner of Education from accepting in fiscal year 1995-1996 certain applications and requests for funds for community educational facilities in order to focus the use of PECO funds on the provision of direct instruction facilities; authorizing the Executive Office of the Governor and the Chief Justice of the Supreme Court to approve certain budget changes under certain circumstances and requiring the Executive Office of the Governor and the Chief Justice to maintain an accounting of these changes and to provide this accounting to the legislative appropriations committees upon request; limiting state agency and governmental branch actions resulting from certain contracts containing provisions for dispute resolution; providing severability; providing effective dates, including a retroactive effective date, and an expiration date.

MOTIONS

Pursuant to Rule 7.6, the amendment constituted an entirely new bill and was not published in the Journal.

On motions by Senator Dudley, the Senate refused to concur in the House amendment to **SB 2802** and acceded to the request for a conference committee.

CONFEREES ON SB 2802 APPOINTED

The President appointed Senator Diaz-Balart, Chairman; at Large Member, Senator Beard; Subcommittee A (General Government): Senator Dantzler, Chairman; Senators Casas, Childers, Hargrett and Harris; Subcommittee B (Education): Senator Dudley, Chairman; Senators Horne, Jenne, Kirkpatrick, Sullivan and Williams; Subcommittee C (Human Services): Senator Myers, Chairman; Senators Bankhead, Gutman, Kurth, Ostalkiewicz and Thomas; Subcommittee D (Criminal Justice): Senator Crist, Chairman; Senators Burt, Jones, Latvala, Silver and Weinstein as conferees on **SB 2802**.

The action of the Senate was certified to the House.

ROLL CALLS ON SENATE BILLS

CS for SB 34

Yeas—36

Mr. President	Dantzler	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Beard	Dudley	Jenne	Rossin
Bronson	Forman	Jennings	Silver
Brown-Waite	Grant	Johnson	Sullivan
Burt	Gutman	Kirkpatrick	Thomas
Casas	Harden	Latvala	Weinstein
Childers	Hargrett	McKay	Wexler
Crist	Harris	Meadows	Williams

Nays—None

Vote after roll call:

Yea—Dyer, Turner

CS for SB 72

Yeas—40

Mr. President	Diaz-Balart	Horne	Myers
Bankhead	Dudley	Jenne	Ostalkiewicz
Beard	Dyer	Jennings	Rossin
Bronson	Forman	Johnson	Silver
Brown-Waite	Grant	Jones	Sullivan
Burt	Gutman	Kirkpatrick	Thomas
Casas	Harden	Kurth	Turner
Childers	Hargrett	Latvala	Weinstein
Crist	Harris	McKay	Wexler
Dantzler	Holzendorf	Meadows	Williams

Nays—None

CS for SB 106

Yeas—38

Mr. President	Diaz-Balart	Jenne	Rossin
Bankhead	Dudley	Jennings	Silver
Beard	Dyer	Johnson	Sullivan
Bronson	Forman	Jones	Thomas
Brown-Waite	Grant	Kirkpatrick	Turner
Burt	Gutman	Latvala	Weinstein
Casas	Hargrett	McKay	Wexler
Childers	Harris	Meadows	Williams
Crist	Holzendorf	Myers	
Dantzler	Horne	Ostalkiewicz	

Nays—1

Harden

Vote after roll call:

Yea—Kurth

CS for SB 182

Yeas—39

Mr. President	Diaz-Balart	Jenne	Ostalkiewicz
Bankhead	Dudley	Jennings	Rossin
Beard	Dyer	Johnson	Silver
Bronson	Forman	Jones	Sullivan
Brown-Waite	Grant	Kirkpatrick	Thomas
Burt	Gutman	Kurth	Turner
Casas	Harden	Latvala	Weinstein
Childers	Hargrett	McKay	Wexler
Crist	Harris	Meadows	Williams
Dantzler	Horne	Myers	

Nays—None

Vote after roll call:

Yea—Holzendorf

CS for SB 288

Yeas—40

Mr. President	Diaz-Balart	Horne	Myers
Bankhead	Dudley	Jenne	Ostalkiewicz
Beard	Dyer	Jennings	Rossin
Bronson	Forman	Johnson	Silver
Brown-Waite	Grant	Jones	Sullivan
Burt	Gutman	Kirkpatrick	Thomas
Casas	Harden	Kurth	Turner
Childers	Hargrett	Latvala	Weinstein
Crist	Harris	McKay	Wexler
Dantzler	Holzendorf	Meadows	Williams

Nays—None

SB 530

Yeas—40

Mr. President	Diaz-Balart	Horne	Myers
Bankhead	Dudley	Jenne	Ostalkiewicz
Beard	Dyer	Jennings	Rossin
Bronson	Forman	Johnson	Silver
Brown-Waite	Grant	Jones	Sullivan
Burt	Gutman	Kirkpatrick	Thomas
Casas	Harden	Kurth	Turner
Childers	Hargrett	Latvala	Weinstein
Crist	Harris	McKay	Wexler
Dantzler	Holzendorf	Meadows	Williams

Nays—None

SB 548

Yeas—40

Mr. President	Diaz-Balart	Horne	Myers
Bankhead	Dudley	Jenne	Ostalkiewicz
Beard	Dyer	Jennings	Rossin
Bronson	Forman	Johnson	Silver
Brown-Waite	Grant	Jones	Sullivan
Burt	Gutman	Kirkpatrick	Thomas
Casas	Harden	Kurth	Turner
Childers	Hargrett	Latvala	Weinstein
Crist	Harris	McKay	Wexler
Dantzler	Holzendorf	Meadows	Williams

Nays—None

CS for SB 552

Yeas—40

Mr. President	Diaz-Balart	Horne	Myers
Bankhead	Dudley	Jenne	Ostalkiewicz
Beard	Dyer	Jennings	Rossin
Bronson	Forman	Johnson	Silver
Brown-Waite	Grant	Jones	Sullivan
Burt	Gutman	Kirkpatrick	Thomas
Casas	Harden	Kurth	Turner
Childers	Hargrett	Latvala	Weinstein
Crist	Harris	McKay	Wexler
Dantzler	Holzendorf	Meadows	Williams

Nays—None

SB 554

Yeas—40

Mr. President	Diaz-Balart	Horne	Myers
Bankhead	Dudley	Jenne	Ostalkiewicz
Beard	Dyer	Jennings	Rossin
Bronson	Forman	Johnson	Silver
Brown-Waite	Grant	Jones	Sullivan
Burt	Gutman	Kirkpatrick	Thomas
Casas	Harden	Kurth	Turner
Childers	Hargrett	Latvala	Weinstein
Crist	Harris	McKay	Wexler
Dantzler	Holzendorf	Meadows	Williams

Nays—None

SB 572

Yeas—40

Mr. President	Diaz-Balart	Horne	Myers
Bankhead	Dudley	Jenne	Ostalkiewicz
Beard	Dyer	Jennings	Rossin
Bronson	Forman	Johnson	Silver
Brown-Waite	Grant	Jones	Sullivan
Burt	Gutman	Kirkpatrick	Thomas
Casas	Harden	Kurth	Turner
Childers	Hargrett	Latvala	Weinstein
Crist	Harris	McKay	Wexler
Dantzler	Holzendorf	Meadows	Williams

Nays—None

SB 576

Yeas—40

Mr. President	Diaz-Balart	Horne	Myers
Bankhead	Dudley	Jenne	Ostalkiewicz
Beard	Dyer	Jennings	Rossin
Bronson	Forman	Johnson	Silver
Brown-Waite	Grant	Jones	Sullivan
Burt	Gutman	Kirkpatrick	Thomas
Casas	Harden	Kurth	Turner
Childers	Hargrett	Latvala	Weinstein
Crist	Harris	McKay	Wexler
Dantzler	Holzendorf	Meadows	Williams

Nays—None

SB 578

Yeas—39

Mr. President	Diaz-Balart	Jenne	Ostalkiewicz
Bankhead	Dudley	Jennings	Rossin
Beard	Dyer	Johnson	Silver
Bronson	Grant	Jones	Sullivan
Brown-Waite	Gutman	Kirkpatrick	Thomas
Burt	Harden	Kurth	Turner
Casas	Hargrett	Latvala	Weinstein
Childers	Harris	McKay	Wexler
Crist	Holzendorf	Meadows	Williams
Dantzler	Horne	Myers	

Nays—None

SB 624

Yeas—39

Mr. President	Diaz-Balart	Horne	Myers
Bankhead	Dudley	Jenne	Ostalkiewicz
Beard	Dyer	Jennings	Rossin
Bronson	Forman	Johnson	Silver
Brown-Waite	Grant	Jones	Sullivan
Burt	Gutman	Kirkpatrick	Thomas
Casas	Harden	Kurth	Turner
Childers	Hargrett	Latvala	Weinstein
Crist	Harris	McKay	Wexler
Dantzler	Holzendorf	Meadows	

Nays—None

SB 654

Yeas—37

Mr. President	Diaz-Balart	Horne	Ostalkiewicz
Bankhead	Dudley	Jenne	Rossin
Beard	Dyer	Jennings	Sullivan
Bronson	Forman	Johnson	Thomas
Brown-Waite	Grant	Kirkpatrick	Weinstein
Burt	Gutman	Kurth	Wexler
Casas	Harden	Latvala	Williams
Childers	Hargrett	McKay	
Crist	Harris	Meadows	
Dantzler	Holzendorf	Myers	

Nays—None

Vote after roll call:

Yea—Turner

SB 750

Yeas—40

Mr. President	Diaz-Balart	Horne	Myers
Bankhead	Dudley	Jenne	Ostalkiewicz
Beard	Dyer	Jennings	Rossin
Bronson	Forman	Johnson	Silver
Brown-Waite	Grant	Jones	Sullivan
Burt	Gutman	Kirkpatrick	Thomas
Casas	Harden	Kurth	Turner
Childers	Hargrett	Latvala	Weinstein
Crist	Harris	McKay	Wexler
Dantzler	Holzendorf	Meadows	Williams

Nays—None

CS for SB 1046

Yeas—40

Mr. President	Diaz-Balart	Horne	Myers
Bankhead	Dudley	Jenne	Ostalkiewicz
Beard	Dyer	Jennings	Rossin
Bronson	Forman	Johnson	Silver
Brown-Waite	Grant	Jones	Sullivan
Burt	Gutman	Kirkpatrick	Thomas
Casas	Harden	Kurth	Turner
Childers	Hargrett	Latvala	Weinstein
Crist	Harris	McKay	Wexler
Dantzler	Holzendorf	Meadows	Williams

Nays—None

CS for SB 1554

Yeas—38

Mr. President	Diaz-Balart	Horne	Rossin
Bankhead	Dudley	Jenne	Silver
Beard	Dyer	Jennings	Sullivan
Bronson	Forman	Johnson	Thomas
Brown-Waite	Grant	Kirkpatrick	Turner
Burt	Gutman	Kurth	Weinstein
Casas	Harden	Latvala	Wexler
Childers	Hargrett	McKay	Williams
Crist	Harris	Myers	
Dantzler	Holzendorf	Ostalkiewicz	

Nays—1

Jones

Vote after roll call:

Yea—Meadows

SB 1758

Yeas—40

Mr. President	Diaz-Balart	Horne	Myers
Bankhead	Dudley	Jenne	Ostalkiewicz
Beard	Dyer	Jennings	Rossin
Bronson	Forman	Johnson	Silver
Brown-Waite	Grant	Jones	Sullivan
Burt	Gutman	Kirkpatrick	Thomas
Casas	Harden	Kurth	Turner
Childers	Hargrett	Latvala	Weinstein
Crist	Harris	McKay	Wexler
Dantzler	Holzendorf	Meadows	Williams

Nays—None

ROLL CALLS ON HOUSE BILLS

HB 1185

Yeas—36

Mr. President	Dantzler	Jenne	Myers
Bankhead	Diaz-Balart	Jennings	Rossin
Beard	Dudley	Johnson	Silver
Bronson	Grant	Jones	Sullivan
Brown-Waite	Harden	Kirkpatrick	Thomas
Burt	Hargrett	Kurth	Turner
Casas	Harris	Latvala	Weinstein
Childers	Holzendorf	McKay	Wexler
Crist	Horne	Meadows	Williams

Nays—None

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 12 was corrected and approved.

RECESS

On motion by Senator Jennings, the Senate recessed at 11:43 a.m. for the purpose of holding committee meetings and conducting other Senate business until 9:45 a.m., Wednesday, April 19.