



# Journal of the Senate

Number 17

Monday, May 1, 1995

## CALL TO ORDER

The Senate was called to order by the President at 1:00 p.m. A quorum present—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	Williams
Dantzler	Holzendorf	Meadows	

Excused: Senator Wexler; and Senators Diaz-Balart, Beard, Dantzler, Casas, Childers, Hargrett, Harris, Dudley, Horne, Jenne, Kirkpatrick, Sullivan, Williams, Myers, Bankhead, Gutman, Kurth, Ostalkiewicz, Thomas, Crist, Burt, Jones, Latvala, Silver and Weinstein, periodically for the purpose of working on Appropriations

## PRAYER

The following prayer was offered by Pastor Jim Schettler, Pensacola Christian College Campus Church, Pensacola:

Dear Heavenly Father, we come to you today with grateful hearts, thanking you first of all for who you are and for what you desire to do for us, with us and through us. Thank you, Father, for allowing us to live in the great state of Florida. May we never forget all of your blessings and benefits to this special peninsula.

Grant the members of this body a spirit of cooperation that will enable them to complete the priorities of this day. I pray a hedge of protection around them and their loved ones. May they trust in you today to fulfill all the personal matters that could emotionally affect the responsibilities you have called them to. Give them the discernment today to separate right from wrong and the courage to vote for what is right. Help them to be good stewards of the time and funds that have been entrusted to them. May each one understand they have been elected by us, but ordained by you, the creator of government.

Father, when they get discouraged, please give them a fresh view of their position and privilege to have an impact upon thousands of people for good. Show them that your grace will always be sufficient to do what is right.

And, Heavenly Father, when this day is done, may these legislators have a sense of accomplishment and a clear conscience that the decisions they were involved with today will make a difference in our state, and for your glory. Amen.

## PLEDGE

Senate Pages, Cindy Kilgore and Tao Lee of Tallahassee, led the Senate in the pledge of allegiance to the flag of the United States of America.

## CONSIDERATION OF RESOLUTIONS

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

By Senator Hargrett—

**SR 3066**—A resolution honoring African-American legislators for their public service to the State of Florida.

WHEREAS, the State of Florida is celebrating the Sesquicentennial Anniversary of statehood, and

WHEREAS, Florida has benefited from the leadership of its many citizens who answered the call of public service, and

WHEREAS, the foundation of the success of the Florida Legislature has been the cultural diversity of its members, and

WHEREAS, the effects of the American Civil War brought chaos to the government of the State of Florida, and

WHEREAS, of 46 delegates to the 1868 Constitutional Convention, 18 were of African descent, and

WHEREAS, of 108 delegates to the 1885 Constitutional Convention seven were of African descent, including Wallace B. Carr (Leon), Henry Wilkins Chandler (Marion), Thomas V. Gibbs (Duval), Amos Hargrett (Wakulla), John W. Mitchell (Leon), Samuel Petty (Nassau), and William F. Thompson (Leon), and

WHEREAS, the work of the Constitutional Convention of 1885 provided Florida with a fundamental document of government which carried this state through 100 years of growth and brought us into the modern era before the present State Constitution was adopted in 1968, and

WHEREAS, the service of 109 African-Americans in the Florida Legislature during the Reconstruction Era years of 1863 to 1889 brought an orderly transition from years of bloodshed to years of domestic tranquility, and

WHEREAS, these members served at a time when reverence for the electoral rights of African-Americans was not fully acknowledged, and

WHEREAS, the historical annals of Florida do not sufficiently recognize the importance of the work of African-American legislators, and

WHEREAS, the honor of these "forgotten" members of the Florida Legislature should be authenticated, NOW, THEREFORE,

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

That the Florida Senate commends the African-American members of the Florida Legislature from 1868 to 1889 and the African-American members of the 1868 and 1885 Constitutional Conventions.

BE IT FURTHER RESOLVED that the Florida Senate requests the Office of the Secretary of State to authenticate the services of the African-American members of the Constitutional Conventions and of the Florida Legislature from 1868 to 1889 with proper certification; to present to the Secretary of the Senate and the Clerk of the House of Representatives those certified documents and copies of this resolution, which are to be kept in the permanent legislative archives; and to present copies of those documents to the Florida Agricultural & Mechanical University, the Joint Legislative Management Committee Library, and each African-American member of the Florida Legislature as a tangible token of the public service of African-American delegates and legislators.

—was introduced out of order and read by title. On motion by Senator Hargrett, **SR 3066** was read the second time in full and adopted.

On motion by Senator Silver, by two-thirds vote **SR 2498** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Silver—

**SR 2498**—A resolution relating to the City of Miami Beach.

WHEREAS, the development of Miami Beach as an urban environment began in July 1912 with the first platting of land by the Ocean

Beach Realty Company operated by brothers James Edward and John Newton Lummus, who purchased 605 acres of swamp land south of present day Lincoln Road from the Lum Plantation for a cost ranging from \$150 to \$12,500 per acre, and

WHEREAS, the Lummus brothers came to Miami with contracts from Henry Flagler to establish commissaries for the workers of the Florida East Coast Railroad, and

WHEREAS, to finance development of this land, the Lummus brothers borrowed \$150,000 from Carl Fisher of Indianapolis, and

WHEREAS, John Collins originally owned from present day 14th Street to 67th Street, ocean to bay and, with son Irving and son-in-law Thomas Pancoast, formed the Miami Beach Development Company, and

WHEREAS, between 1912 and 1918 the land form and infrastructure of Miami Beach was created with the first roads being installed in 1913, the first land fill completed in 1914 with lots given away as a promotion, chinaware given as an inducement to attend land auction sales as prospective buyers were brought to the island on boats departing from the Miami mainland every 30 minutes, and

WHEREAS, Miami Beach was incorporated in 1915 and the permanent population grew from 644 persons in 1920 to 15,000 persons in 1925 with the number of winter visitors adding 30,000 to the total population, and

WHEREAS, following the bust of 1926 and the depression of 1929, Miami Beach between 1930 and 1940 doubled in population to 28,000 with 75,000 visitors annually, and

WHEREAS, in 1942, the Army Air Corps first moved troops to Miami Beach for training exercises and by the end of World War II, 20 percent of all Air Corps troops were trained in Miami Beach; and

WHEREAS, many of the soldiers who trained in Miami Beach returned after the war and added to the increasing permanent population in the 1950s, and

WHEREAS, Lincoln Road which was primarily the product of Carl Fisher who named the street after Abraham Lincoln, became known as the Fifth Avenue of Miami Beach with many of America's most prominent retailers including Bonwit Teller, Saks Fifth Avenue, Elizabeth Arden, Doubleday, and others, and

WHEREAS, although during the 1960s and 1970s the area experienced a decline due to various reasons including reduced tourism, which lessened the income of surrounding residents, but, over the last decade economic conditions have been steadily improving due in large part to the development of cultural institutions including the South Florida Art Center, the New World Symphony, the Miami City Ballet, the Colony Theater, impresario Judy Drucker, the Bass Museum, and other arts-related happenings, along with the regeneration of South Beach attracting new stores, restaurants and cafes, and new businesses and private investment in the area, and

WHEREAS, surrounded on one side by one of the world's most beautiful beaches along the Atlantic Ocean and on the other by the sparkling gulf waters of Biscayne Bay, the City of Miami Beach stretches from Biscayne Street to 87th Street and encompasses the areas known as South Beach, Middle Beach, and North Beach, and

WHEREAS, enjoying an economic boom that has sprung from the refurbishment of the Art Deco District, Miami Beach encompasses more than 80 hotels, 12 cultural institutions, 30 internationally famed nightclubs, and some 250 restaurants and cafes including the world famous JOE'S STONE CRAB Restaurant and WOLFIE'S 21st Street, and

WHEREAS, Miami Beach is often called America's Riviera, home to a \$37 million modeling industry, print and electronic media, 15 production companies, and 30 talent agencies, and

WHEREAS, Miami Beach is home to fashion guru Gianni Versace, music industry giants Emilio and Gloria Estefan and Julio Iglesias, hundreds of other "superstars" of the American scene, and tourists, and

WHEREAS, on March 11, 1995, the people of the City of Miami Beach will celebrate the 80th anniversary of the establishment of the City with special events and festivities, NOW, THEREFORE,

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

That the Florida Senate extends its congratulations to Mayor Seymour Gelber and the City Commission of Miami Beach, Commissioners David Pearlson, Neisan Kasdin, Susan Gottlieb, Nancy Leibman, Martin Shapiro, Sy Eisenberg, and to every citizen of the City of Miami Beach, on the 80th anniversary of the incorporation of the City of Miami Beach.

BE IT FURTHER RESOLVED that the Florida Senate expresses its good wishes that the City of Miami Beach continue to enjoy great growth and prosperity as partners in Dade County and in the Sunshine State, that this legislative body extends its personal gratitude and greetings to all the citizens of the City of Miami Beach for the vital part they played in the day-to-day history of the City of Miami Beach.

—was taken up out of order and read the second time in full. On motion by Senator Silver, **SR 2498** was adopted.

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

By Senator Silver—

**SR 3068**—A resolution recognizing the Village of North Bay Island, Dade County, on the 50th anniversary of its charter.

WHEREAS, the first meeting of the Village of North Bay Island, Dade County, was convened June 22, 1945, and

WHEREAS, today North Bay Village consists of three islands, North Bay Island, Harbor Island, and Treasure Island, linked by the John F. Kennedy Causeway, which extends across Biscayne Bay from Miami to Miami Beach, and

WHEREAS, prior to 1940, most of what is now North Bay Village lay beneath the waters of Biscayne Bay and, in 1940, dredging and bulkheading created North Bay Island, and by 1941 palm-lined streets had been laid out and 12 homes had been built and occupied, and today this island has grown into a lush neighborhood of attractive single-family residences, and

WHEREAS, during the mid-1940's, dredging and filling created Harbor Island and Treasure Island, and today Harbor Island is composed primarily of multi-family units, and

WHEREAS, Treasure Island, whose street names were drawn from Robert Louis Stevenson's novel "Treasure Island," is a mixture of single-family dwellings and multi-family dwellings, and

WHEREAS, North Bay Village was incorporated in 1945, Harbor and Treasure Islands were annexed several years later, and Broadcast Key, also known as Cameo Island, was annexed in 1963, and

WHEREAS, during its early years North Bay Village was primarily a haven for winter residents, and the city became widely known for its popular restaurants and nightclubs which attracted celebrities like Frank Sinatra and Judy Garland, and

WHEREAS, the city's current population of approximately 5,500 is composed primarily of permanent, year-round residents, NOW, THEREFORE,

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

That the Florida Senate does hereby salute the residents of North Bay Village, Mayor Dr. Paul Vogel, and Village Council members Vice Mayor Irving Leighton, Dr. Debra Mash Geller, George Rodriguez, and Alvin Blake, on the 50th anniversary of the charter of the Village of North Bay Island.

BE IT FURTHER RESOLVED that the Florida Senate commends the spirit that has kept North Bay Village a vital part of Dade County and the State of Florida while maintaining stable, dependable and effective local government and a unique identity, and, in this Sesquicentennial year of Florida's history, recognizes the Village of North Bay Island as being an important part of the history of Florida.

—was introduced out of order and read by title. On motion by Senator Silver, **SR 3068** was read the second time in full and adopted.

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

By Senator Silver—

**SR 3070**—A resolution commending Seitlin & Company for fifty years of service to business and the community.

WHEREAS, Seitlin & Company was founded in 1945 by one of Miami's pioneer families, and

WHEREAS, the Seitlin family's commitment to their community began with enabling many South Florida businesses to grow and flourish economically while, at the same time, the management policy encouraged involvement in a wide variety of community social service, educational, and religious institutions, and

WHEREAS, this personal service insurance agency has grown to a staff of over 100 employees providing excellent service with access to major insurance companies and representing over 10,000 clients, with 88 percent of their South Florida volume serving the needs of South Florida businesses, and

WHEREAS, with offices in Broward and Dade Counties, they serve clients locally as well as throughout the United States and, through Assurex International, an association of similar agencies, now provide service to their clients on a world-wide basis, while retaining their personal approach to business insurance, and

WHEREAS, Sam Seitlin, chairman of the board, and M. Stephen Jackman, president, tirelessly return community service to the area in which their business has thrived and grown for the past fifty years, and

WHEREAS, their ability to serve clients locally is extended throughout the United States and many other parts of the world through their affiliation with Assurex International, an association of similar agencies with the same interest in servicing the client's needs, and

WHEREAS, with representatives in every state in the Union and many foreign countries, their facilities enable them to work toward their objective, that is, total asset protection, and

WHEREAS, personalization, knowledge, economy, and flexibility allow them to bring the personal approach to business insurance, NOW, THEREFORE,

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

That the Florida Senate recognizes Seitlin & Company, Insurance, for fifty years of contributing to business and the community and commends the employees of Seitlin & Company for their professionalism and dedication.

—was introduced out of order and read by title. On motion by Senator Silver, **SR 3070** was read the second time in full and adopted.

On motion by Senator Kurth, by two-thirds vote **SR 2910** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Kurth—

**SR 2910**—A resolution honoring Florida Women In Government, Inc., and recognizing June 14 through 18, 1995, as "Florida Women in Government Week."

WHEREAS, Florida Women In Government, Inc., was developed in 1963 by Dr. John E. Miklos at the request of city managers who sought to develop professionalism among governmental employees, and

WHEREAS, Florida Women In Government, Inc., is a not-for-profit organization whose objective is to provide opportunities for self-improvement, professional development, and elevation of the standards of personnel in the public sector, and

WHEREAS, Florida Women In Government, Inc., attains this goal by awarding scholarship funds to governmental employees who are pursuing college degrees in public administration, political science, or other government-related fields, and

WHEREAS, Florida Women In Government, Inc., further supports the development of highly skilled, forward-thinking professionals needed to meet today's challenges, by presenting an annual 3-day conference for governmental employees, and

WHEREAS, the next annual Florida Women In Government Conference is scheduled for June 14 through 18, 1995, in Indialantic, Florida, NOW, THEREFORE,

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

That the contributions and achievements of Florida Women In Government, Inc., with regard to the professional development of public employees, be honored and that the week of June 14 through 18, 1995, be recognized as "Florida Women in Government Week."

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the President of Florida Women In Government, Inc., 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 Kurth, **SR 2910** was adopted.

On motion by Senator Kurth, by two-thirds vote **SR 2666** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Kurth—

**SR 2666**—A resolution commending the Florida members of the National Management Association and recognizing the week of June 5-10, 1995, as Management Week.

WHEREAS, the National Management Association is a professional, nonprofit association dedicated to improve the quality and promote unity in management by education and fellowship of more than 46,000 members, and

WHEREAS, the members of this association in the State of Florida desire to perform a public service by officially recognizing management as a profession, and

WHEREAS, during the week of June 5, 1995, Florida's 13 chapters, which have almost 4,000 members, will join management in our society and encourage the promotion of our American enterprise system, NOW, THEREFORE,

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

That the Florida members of the National Management Association are commended for promoting the American enterprise system.

BE IT FURTHER RESOLVED that all residents of the State of Florida are urged to observe the week of June 5-10, 1995, as "Management Week."

—was taken up out of order and read the second time in full. On motion by Senator Kurth, **SR 2666** was adopted.

On motion by Senator Kurth, by two-thirds vote **SR 2740** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Kurth—

**SR 2740**—A resolution recognizing the week of May 6th-May 12th as National Nurses Week in Florida.

WHEREAS, 2.2 million registered nurses in this country represent our nation's largest health care resource, providing high-quality health care and striving for access to health care services for all Americans by promoting initiatives for national health care reform, and

WHEREAS, the demand for nursing services is increasing because of an aging population, the industry's ability to sustain life through increased technology, changes in the settings where health care is delivered, changes in health care financing, and changes in the health care needs of the public, and

WHEREAS, there is a projected need for 600,000 additional nurses during the next decade, and more qualified nurses will be needed in the future to meet the increasingly complex needs of health care consumers in this country, and

WHEREAS, the American Nurses Association and the state nurses association have declared the week of May 6th-May 12th as "National Nurses Week 1995" with the theme, "Nurses—the Heart of Health Care," in celebrating the ways in which nurses provide high-quality patient care and improve our health care system, NOW, THEREFORE,

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

That the Florida Senate recognizes the week of May 6th-May 12th as National Nurses Week.

BE IT FURTHER RESOLVED that the nurses in this state are commended for their accomplishments and efforts to improve our health care system.

—was taken up out of order and read the second time in full. On motion by Senator Kurth, **SR 2740** was adopted.

### MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Jennings, by two-thirds vote **CS for SB's 2540 and 2682** was withdrawn from the Committees on Community Affairs; and Ways and Means; **SB 202** and **SB 2690** were withdrawn from the Committee on Community Affairs; **SB 2306** was withdrawn from the Committee on Judiciary; **CS for SB 2876** was withdrawn from the Committee on Transportation; **SB 966** and **CS for SB's 2906 and 1950** were withdrawn from the Committee on Governmental Reform and Oversight; and **SB 806** and **SCR 820** were withdrawn from the Committee on Rules and Calendar.

On motion by Senator Diaz-Balart, by two-thirds vote **CS for SB 26, CS for SB 48, CS for SB 80, CS for SB 220, SB 234, SB 290, SB 320, CS for SB 444, SJR 446, SB 492, SB 562, SB 648, CS for SB 740, SB 852, SB 888, CS for SB's 904 and 1486, SB 932, CS for SB 986, CS for SB 988, CS for SB 1044, SB 1058, SB 1348, CS for SB's 1352 and 2178, CS for SB 1354, SB 1390, CS for SB's 1394 and 1676, CS for SB 1404, CS for SB 1412, SB 1420, CS for SB 1520, SB 1570, CS for SB 1582, SB 1590, SB 1608, CS for CS for SB 1642, SB 1760, SB 1774, CS for SB 1808, CS for SB 1812, SB 1828, SB 1918, CS for SB 1938, SB 1940, CS for SB's 1946 and 2812, SB 1962, SB 1982, SB 2096, CS for SB 2138, CS for SB 2158, CS for SB 2318, CS for SB 2326, SB 2336, CS for SB 2382, SB 2500, SB 2546, SB 2566, CS for SB 2614, CS for CS for SB 2684, CS for SB 2706, SB 2726, CS for SB 2912, SB 2934 and CS for SB 3018** were withdrawn from the Committee on Ways and Means.

### MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Crist, the rules were waived and the Committee on Executive Business, Ethics and Elections was granted permission to meet from 5:15 p.m. until 9:00 p.m. this day; and if necessary, from 8:00 a.m. until 9:45 a.m. or until completion of the agenda, May 2, to consider executive appointments.

### SPECIAL ORDER

**SB 1952**—A bill to be entitled An act relating to education; amending s. 232.2468, F.S.; deleting a provision relating to the exchange of information between the state Department of Education and the United States Department of Education relating to dropout and graduation rates and deleting the exemption from the public records law for the information exchanged; providing an effective date.

—was read the second time by title. On motion by Senator Sullivan, by two-thirds vote **SB 1952** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35      Nays—None

**SB 848**—A bill to be entitled An act relating to education; amending s. 232.246, F.S., relating to high school graduation requirements; amending s. 232.2465, F.S., relating to Florida Academic Scholars; providing that completion of an International Baccalaureate curriculum satisfies certain requirements; revising qualification standards; providing an effective date.

—was read the second time by title.

Amendments were adopted to **SB 848** to conform the bill to **CS for HB 439**.

Pending further consideration of **SB 848** as amended, on motion by Senator Crist, by two-thirds vote **CS for HB 439** was withdrawn from the Committees on Education; and Ways and Means.

On motion by Senator Crist—

**CS for HB 439**—A bill to be entitled An act relating to education; amending s. 232.246, F.S., relating to high school graduation requirements; amending s. 232.2465, F.S., relating to Florida Academic Scholars; providing that completion of an International Baccalaureate curriculum satisfies certain requirements; revising qualification standards; creating s. 233.0641, F.S., relating to the Free Enterprise and Consumer Education Act; providing an effective date.

—a companion measure, was substituted for **SB 848** and read the second time by title. On motion by Senator Crist, by two-thirds vote **CS for HB 439** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37      Nays—None

**SB 1438**—A bill to be entitled An act relating to disruptive youth; providing legislative findings; providing for an information-sharing work-group to develop and implement an information access and delivery system; providing duties of the Auditor General; amending s. 39.01, F.S.; revising provisions relating to minimum-risk nonresidential level programs; amending s. 228.041, F.S.; providing a condition for imposition of expulsion; amending s. 230.02, F.S.; authorizing alternative site schools within the district school system; amending s. 230.22, F.S.; providing district school board power for assignment of students to schools; amending s. 230.23, F.S.; providing for district school board cooperation; providing alternatives to student suspension and expulsion; requiring policies for assignment of violent or disruptive students and notice relating to expulsion for possession of a firearm; amending s. 230.2316, F.S., relating to dropout prevention; defining second chance schools; providing requirements and eligibility for second chance schools; providing funding; providing an effective date.

—was read the second time by title.

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

**Amendment 1**—On page 2, line 22, after the first comma (,) insert: providers,

**Amendment 2**—On page 3, line 12, after the comma (,) insert: providers of juvenile justice services, a provider from a juvenile substance abuse program, clerks of the circuit courts,

**Amendment 3**—On page 7, line 28, after “,” insert: *other agencies that provide services to youth involved in the juvenile justice system pursuant to chapter 39,*

**Amendment 4 (with Title Amendment)**—On page 4, line 24 through page 5, line 19, strike all of said lines

And the title is amended as follows:

In title, on page 1, strike all of lines 7-9 and insert: General; amending s.

**Amendment 5**—On page 13, strike all of lines 14-17 and insert: *if the student meets one of the following criteria:*

The Committee on Education recommended the following amendment which was moved by Senator Horne:

**Amendment 6**—On page 13, line 6, after the “.” insert: *Second chance schools, as partnerships with other agencies, are eligible for waivers of statute in chapters 228 through 239 that may prohibit or significantly inhibit the provision of effective service to youth who are highly disruptive, ungovernable or delinquent.*

Senator Sullivan moved the following substitute amendment:

**Amendment 7**—On page 14, line 24, after the period (.) insert:

6. *Second chance schools, as partnerships with other agencies, may request waivers of statute in chapters 228 through 239 that prohibit or significantly inhibit the provision of effective service to youth who are highly disruptive, ungovernable, or delinquent. Waiver requests shall be*

submitted in writing to the Commissioner of Education for approval. In considering any waiver request, the commissioner shall ensure protection of the health, safety, welfare, and civil rights of students and protection of the public interest. Upon denial of a request for a waiver, the commissioner shall state with particularity the grounds or basis for the denial.

Senator Sullivan moved the following amendment to **Amendment 7** which was adopted:

**Amendment 7A**—On page 1, lines 13 and 14, strike "statute in chapters 228 through 239" and insert: *statutes in chapters 230 through 235 and 239 and State Board of Education rules*

**Amendment 7** as amended was adopted.

On motion by Senator Horne, by two-thirds vote **SB 1438** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39      Nays—None

**CS for SB 2598**—A bill to be entitled An act relating to student financial aid; amending s. 240.402, F.S.; authorizing the State Board of Education to specify by rule the minimum acceptable scores on certain tests required for a student to qualify for a scholarship from the Florida Undergraduate Scholars' Fund; amending ss. 240.4063, 240.6074, F.S.; directing the State Board of Education to specify by rule repayment terms for certain scholarship loans; deleting a requirement that loans must be repaid within 10 years; amending s. 240.4021, F.S.; requiring a student to enroll in a technical certificate or associate in science degree program to earn a Florida Gold Seal scholarship; amending s. 239.217, F.S.; revising requirements for eligibility for the Florida gold seal vocational endorsement; providing for correction of deficiencies; amending s. 240.498, F.S.; requiring the adoption of rules by the Board of Directors of the Florida Education Fund for student selection in the law school and pre-law programs; providing an effective date.

—was read the second time by title.

Senator Harris moved the following amendment which was adopted:

**Amendment 1 (with Title Amendment)**—On page 11, between lines 17 and 18, insert:

Section 7. Subsection (4) of section 240.551, Florida Statutes, 1994 Supplement, is amended to read:

240.551 Florida Prepaid Postsecondary Education Expense Program.—

(4) There is created within the State Board of Administration the Prepaid Postsecondary Education Expense Trust Fund. The fund shall consist of state appropriations, moneys acquired from other governmental or private sources, and moneys remitted in accordance with advance payment contracts. All funds deposited into the trust fund may be invested pursuant to s. 215.47; however, such investment shall not be mandatory. Dividends, interest, and gains accruing to the trust fund shall increase the total funds available for the program. *Notwithstanding the provisions of chapter 717, funds associated with contracts terminated pursuant to subsection (6)(d) and canceled contracts for which no refunds have been claimed shall increase the total funds available for the program. However, the board shall establish procedures for notifying purchasers who subsequently cancel their contracts of any unclaimed refund and shall establish a time period after which no refund may be claimed by a purchaser who canceled a contract.* Any balance contained within the fund at the end of a fiscal year shall remain therein and shall be available for carrying out the purposes of the program. In the event that dividends, interest, and gains exceeds the amount necessary for program administration and disbursements, the board may designate an additional percentage of the fund to serve as a contingency fund. Moneys contained within the fund shall be exempt from the investment requirements of s. 18.10. Any funds of a direct-support organization created pursuant to paragraph (5)(j) shall be exempt from the provisions of this paragraph.

(Renumber subsequent section.)

And the title is amended as follows:

In title, on page 1, line 24, after the semicolon (;) insert: amending s. 240.551, F.S.; providing for funds associated with terminated and canceled contracts; providing for notification and cancellation procedures;

On motion by Senator Harris, by two-thirds vote **CS for SB 2598** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34      Nays—3

#### SENATOR BANKHEAD PRESIDING

**CS for SB 1942**—A bill to be entitled An act relating to postsecondary education; amending s. 239.249, F.S.; changing terminology related to vocational education; deleting a time limit placed upon an incentive award; deleting authority to credit certain placements and expenditures to the federal Job Training Partnership Act; revising guidelines for awards of funds for performance-based incentive funding; amending s. 229.8075, F.S.; authorizing the Florida Education and Training Placement Information Program of the Department of Education to perform additional longitudinal analyses; amending s. 239.233, F.S.; directing the Department of Education to develop a system of performance measures for vocational and technical education programs; requiring the establishment of program standards and reports; providing for rule making; providing intent language; amending s. 239.117, F.S.; requiring students enrolled in college-preparatory instruction to pay additional costs for continuous enrollment in class; amending s. 239.301, F.S.; limiting state funding for continuous enrollment in college-preparatory coursework; amending s. 240.117, F.S.; providing for the integration of additional skills into the common placement test; revising provisions relating to offering the common placement test; limiting concurrent coursework; requiring passage of the test; limiting state funding for continuous enrollment in college-preparatory coursework; providing for rules relating to concurrent coursework; amending s. 240.311; providing a duty of the State Board of Community Colleges; amending s. 240.321, F.S.; permitting other admission requirements to be established by the State Board of Community Colleges; amending s. 240.311, F.S.; deleting a reporting requirement as a component of the community college information system; amending s. 240.331, F.S.; conforming provisions; amending s. 240.335, F.S.; eliminating a report by a community college district board of trustees concerning programs to eradicate discrimination in the granting of salaries to employees; amending s. 240.347, F.S.; eliminating salary information in the legislative budget request; providing legislative intent; requiring review by the State Board of Community Colleges of chapters 228, 229, 235, 239, and 240, F.S., relating to community colleges, and other statute sections relating to licensure of occupations and educational requirements related thereto; amending s. 240.324, F.S.; authorizing a single report to be used to satisfy two requirements; repealing ss. 239.237 and 240.138, F.S., relating to a vocational and adult education equipment system and the reporting by universities and community colleges of foreign gifts; providing an effective date.

—was read the second time by title.

The Committee on Ways and Means recommended the following amendment which was moved by Senator Kirkpatrick and adopted:

**Amendment 1 (with Title Amendment)**—On page 12, between lines 18 and 19, insert:

Section 5. Present subsection (10) of section 232.246, Florida Statutes, 1994 Supplement, is renumbered as subsection (11), and a new subsection (10) is added to that section, to read:

232.246 General requirements for high school graduation.—

(10) *Effective for the 1996-1997 school year and each year thereafter, each district board shall award a college-ready diploma to students who have completed the 24 required academic credits, and before their graduation, successfully pass the postsecondary education common placement test prescribed in s. 240.117. The test shall be administered to each student during the 10th grade, before enrollment in the 11th grade. Students who fail to achieve a passing score on any subset of the test may repeat that subtest. A student who scores one-half standard deviation or more above the established statewide passing scores in all test areas shall be awarded a differentiated diploma denoting this achievement and must be given priority for admission into any public community college.*

(Renumber subsequent section.)

And the title is amended as follows:

In title, on page 1, line 26, following the first semicolon (;) insert: amending s. 232.246, F.S.; providing for a college-ready diploma;

The Committee on Ways and Means recommended the following amendment which was moved by Senator Kirkpatrick:

**Amendment 2 (with Title Amendment)**—On page 13, line 18, through page 14, line 28, strike all of said lines and insert:

Section 7. Subsections (2) and (3) of section 240.117, Florida Statutes, are amended, present subsection (4) of that section is renumbered as subsection (5) and amended, and a new subsection (4) is added to that section, to read:

240.117 Common placement testing for public postsecondary education.—

(2) The common placement testing program shall include at a minimum the following: the capacity to diagnose basic competencies in the areas of English, reading, and mathematics which are essential to perform college-level work; *prerequisite skills that relate to progressively advanced instruction in mathematics, such as algebra and geometry; prerequisite skills that relate to progressively advanced instruction in language arts, such as English composition and literature; prerequisite skills that which relate to the College Level Academic Skills Test (CLAST); and provision of test information to students on the specific deficiencies.*

(3) The Articulation Coordinating Committee shall recommend and the State Board of Education shall adopt rules to require which would, on a voluntary basis, allow students to take the common placement test during the 10th grade, before enrollment in at the end of the 11th eleventh grade year in public high school for the purpose of obtaining remedial instruction prior to entering public postsecondary education.

(4)(a) A student who scores one-half standard deviation or more above the established statewide passing scores for each portion of the common placement test shall be granted enrollment into degree-credit courses upon entry into a community college.

(b) A student who scores one-half standard deviation or more above the statewide passing score in only the English, reading, or mathematics portion of the common placement test is exempt from taking the English, reading, or mathematics college preparatory course, as applicable.

(c) If a student scores less than one-half standard deviation above the statewide passing scores, the community college shall determine whether the student should be enrolled in college preparatory instruction.

(5)(4)(a) Community college or state university students who have been identified as requiring additional preparation pursuant to subsection (1) shall enroll in college-preparatory adult education pursuant to s. 239.301 in community colleges to develop needed college-entry skills. These students shall be permitted to take courses within their degree program concurrently in other curriculum areas for which they are qualified while enrolled in college-preparatory instruction courses. A passing score on the common placement test must be achieved before a student is considered to have met basic computation and communication skills requirements. A student shall be funded to enroll in the same college-preparatory class only twice, after which time no state funds shall be used to support continuous enrollment of that student in the same class. Credit awarded for college-preparatory instruction may not be counted towards fulfilling the number of credits required for a degree.

(b) The administrators of a state university may contract with a community college board of trustees for the community college to provide such instruction on the state university campus. Any state university in which the percentage of incoming students requiring college-preparatory instruction equals or exceeds the average percentage of such students for the community college system may offer college-preparatory instruction without contracting with a community college.

And the title is amended as follows:

In title, on page 1, strike all of lines 26-30 and insert: coursework; amending s. 240.117, F.S.; providing for the integration of additional

skills into the common placement test; requiring that the common placement test be administered to students in a specified grade; providing for test scores to be considered in community college student enrollment; limiting concurrent coursework;

Senator Kirkpatrick moved the following substitute amendment which was adopted:

**Amendment 3 (with Title Amendment)**—On page 12, line 19, through page 13, line 17, strike all of said lines and renumber subsequent sections

And the title is amended as follows:

In title, on page 1, lines 20-26, strike everything after the first semicolon (;) on line 20 through the semicolon (;) on line 26.

The Committee on Ways and Means recommended the following amendment which was moved by Senator Kirkpatrick:

**Amendment 4 (with Title Amendment)**—On page 14, lines 20-22, strike "A passing score on the common placement test must be achieved before a student is considered to have met basic computation and communication skills requirements." and insert: A student enrolled in a college preparatory course may enroll only in college credit courses that do not require the skills addressed in the college preparatory course. Each community college shall specify the college credit courses that are acceptable for students enrolled in each college preparatory skill area. A student must successfully complete the required college preparatory studies by the time the student has accumulated 12 hours of college credit course work.

And the title is amended as follows:

In title, on page 2, line 2, after the semicolon (;) insert: limiting coursework that may be completed prior to remediation;

Senator Kirkpatrick moved the following substitute amendment which was adopted:

**Amendment 5 (with Title Amendment)**—On page 13, line 18, through page 14, line 28, strike all of said lines and insert:

Section 1. Subsections (2) and (3) of section 240.117, Florida Statutes, are amended, present subsection (4) of that section is renumbered as subsection (5) and amended, and a new subsection (4) is added to that section, to read:

240.117 Common placement testing for public postsecondary education.—

(2) The common placement testing program shall include at a minimum the following: the capacity to diagnose basic competencies in the areas of English, reading, and mathematics which are essential to perform college-level work; *prerequisite skills that relate to progressively advanced instruction in mathematics, such as algebra and geometry; prerequisite skills that relate to progressively advanced instruction in language arts, such as English composition and literature; prerequisite skills that which relate to the College Level Academic Skills Test (CLAST); and provision of test information to students on the specific deficiencies.*

(3) The Articulation Coordinating Committee shall recommend and the State Board of Education shall adopt rules to require which would, on a voluntary basis, allow students to take the common placement test during the 10th grade, before enrollment in at the end of the 11th eleventh grade year in public high school for the purpose of obtaining remedial instruction prior to entering public postsecondary education.

(4)(a) A student who scores one-half standard deviation or more above the established statewide passing scores for each portion of the common placement test shall be granted enrollment into degree-credit courses upon entry into a community college.

(b) A student who scores one-half standard deviation or more above the statewide passing score in only the English, reading, or mathematics portion of the common placement test is exempt from taking the English, reading, or mathematics college preparatory course, as applicable.

(c) If a student scores less than one-half standard deviation above the statewide passing scores, the community college shall determine whether the student should be enrolled in college preparatory instruction.

(5)(4)(a) Community college or state university students who have been identified as requiring additional preparation pursuant to subsection (1) shall enroll in college-preparatory adult education pursuant to s. 239.301 in community colleges to develop needed college-entry skills. These students shall be permitted to take courses *within their degree program* concurrently in other curriculum areas for which they are qualified while enrolled in college-preparatory instruction courses. A passing score on the common placement test must be achieved before a student is considered to have met basic computation and communication skills requirements. A student who wishes to earn an associate in arts or a baccalaureate degree, but who is required to complete a college preparatory course, must successfully complete the required college preparatory studies by the time the student has accumulated 18 hours of lower division college credit course work. A student enrolled in a college preparatory course as a result of scores on entry-level tests may enroll only in college credit courses that do not require the skills addressed in the college preparatory course. Each community college and university shall specify the college credit courses that are acceptable for enrollment for students enrolled in each college preparatory skill area. Credit awarded for college-preparatory instruction may not be counted towards fulfilling the number of credits required for a degree.

(b) The administrators of a state university may contract with a community college board of trustees for the community college to provide such instruction on the state university campus. Any state university in which the percentage of incoming students requiring college-preparatory instruction equals or exceeds the average percentage of such students for the community college system may offer college-preparatory instruction without contracting with a community college.

And the title is amended as follows:

In title, on page 1, strike all of lines 26-30 and insert: amending s. 240.117, F.S.; providing for the integration of additional skills into the common placement test; requiring that the common placement test be administered to students in a specified grade; providing for test scores to be considered in community college student enrollment;

The Committee on Ways and Means recommended the following amendment which was moved by Senator Kirkpatrick and adopted:

**Amendment 6 (with Title Amendment)**—On page 14, lines 29 and 30; and on page 15, lines 1-6 strike all of said lines and renumber subsequent sections.

And the title is amended as follows:

In title, on page 2, lines 2-5, strike everything after the semicolon (;) on line 2 through the first semicolon (;) on line 5.

Senator Kirkpatrick moved the following amendments which were adopted:

**Amendment 7 (with Title Amendment)**—On page 19, between lines 25 and 26, insert:

Section 17. Paragraph (c) is added to subsection (2) of section 121.051, Florida Statutes, 1994 Supplement, to read:

121.051 Participation in the system.—

(2) OPTIONAL PARTICIPATION.—

(c) *Employees of members of the State Community College System, as designated in s. 240.3031, who are members of the Regular Class of the Florida Retirement System and who comply with the criteria set forth in this paragraph and in s. 240.3195 may elect, in lieu of participating in the Florida Retirement System, to withdraw from the Florida Retirement System altogether and participate in a lifetime monthly annuity program, to be known as the State Community College System Optional Retirement Program, which may be provided by the employing agency under s. 240.3195. Pursuant thereto:*

1. *The cost to the employer for such annuity shall equal the normal cost portion of the employer retirement contribution which would be required if the employee were a member of the Regular Class, plus the portion of the contribution rate required by s. 112.363(8) that would otherwise be assigned to the Retiree Health Insurance Subsidy Trust Fund, and less an amount approved by the employer to provide for the administration of the optional retirement program. The employer providing such annuity shall contribute an additional amount to the Florida Retirement System Trust Fund equal to the unfunded actuarial accrued liability portion of the Regular Class contribution rate.*

2. *The decision to participate in such an optional retirement program shall be irrevocable for as long as the employee holds a position eligible for participation. Any service creditable under the Florida Retirement System shall be retained after the member withdraws from the Florida Retirement System; however, additional service credit in the Florida Retirement System shall not be earned while a member of the optional retirement program.*

3. *Participation in an optional annuity program shall be limited to those employees who satisfy the following eligibility criteria:*

a. *The employee must be otherwise eligible for membership in the Regular Class of the Florida Retirement System, as provided in s. 121.021(11) and (12).*

b. *The employee must be employed in a full-time position classified in the Accounting Manual for Florida's Public Community Colleges as:*

(I) *Instructional; or*

(II) *Executive Management, Instructional Management, or Institutional Management, if a community college determines that recruiting to fill a vacancy in the position is to be conducted in the national or regional market, and:*

(A) *The duties and responsibilities of the position include either the formulation, interpretation, or implementation of policies; or*

(B) *The duties and responsibilities of the position include the performance of functions that are unique or specialized within higher education and that frequently involve the support of the mission of the community college.*

c. *The employee must be employed in a position not included in the Senior Management Service Class of the Florida Retirement system, as described in s. 121.055.*

4. *Participants in the program are subject to the same reemployment limitations, renewed membership provisions, and forfeiture provisions as are applicable to regular members of the Florida Retirement System under ss. 121.091(9), 121.122, and 121.091(5), respectively.*

5. *Eligible community college employees shall be compulsory members of the Florida Retirement System until, pursuant to the procedures set forth in s. 240.3195, the first day of the next full calendar month following the filing of both a written election to withdraw and a completed application for an individual contract or certificate with the program administrator and receipt of such election by the division.*

Section 18. Paragraph (d) of subsection (6) of section 121.052, Florida Statutes, 1994 Supplement, is amended to read:

121.052 Membership class of elected state and county officers.—

(6) DUAL EMPLOYMENT.—A member may not participate in more than one state-administered retirement system, plan, or class of membership simultaneously. If an elected officer becomes dually employed, or if a member becomes dually employed as an elected officer, such officer shall have 6 months to elect membership from among the plans or classes for which he is eligible, as set forth in this subsection. Failure to make election during the prescribed period shall result in compulsory membership in the Elected State and County Officers' Class.

(d) A member of the State University System Optional Retirement Program, the State Community College System Optional Retirement Program, or the Senior Management Service Optional Annuity Program who becomes dually employed in an elected office eligible for the Elected State and County Officers' Class shall, within 6 months after assuming office, select membership in one of the following classes or plans. Failure to timely notify the administrator of such selection shall result in compulsory membership in the Elected State and County Officers' Class for the entire period of dual employment as an elected officer.

1. The Elected State and County Officers' Class.—If the participant elects membership in the Elected State and County Officers' Class, participation in the optional retirement program or the optional annuity program shall cease for the period of dual employment, and retirement contributions shall be paid as required only on the salary earned as a state or county elected officer. At retirement, the member's average final compensation under the Florida Retirement System shall be based only on the salary received as an employee in that position for such period including dual employment. When the member ceases to be a dually

employed elected officer, he may, within 90 days, elect membership in the Florida Retirement System class for which he is eligible, except as provided in s. 121.051(1)(a) for members of a faculty practice plan, or may again become a participant in the optional retirement program or the optional annuity program for which he is eligible.

2. The State University System Optional Retirement Program, the State Community College System Optional Retirement Program, or the Senior Management System Optional Annuity Program.—If the participant elects to remain a member of the optional program, retirement contributions shall be paid as required only on the salary earned in the position eligible for the optional program selected. At retirement, his annuity shall include the contributions required only on the salary received for employment in the position eligible for the selected optional program for such period including dual employment.

3. The Regular Class.—If the participant elects membership in the Regular Class, participation in the optional retirement program or the optional annuity program shall cease for the period of dual employment and retirement contributions shall be paid as required on the total salary received for all employment. At retirement, his average final compensation under the Florida Retirement System shall be based on all salary reported for both positions during such period of dual employment. Membership in the optional program shall cease for as long as the officer remains an elected officer. When such member ceases to be a dually employed elected officer, he may, within 90 days, elect membership in the Florida Retirement System class for which he is eligible, except as provided in s. 121.051(1)(a) for members of a faculty practice plan, or again become a participant in the optional retirement program or the optional annuity program for which he is eligible.

Section 19. Paragraph (r) is added to subsection (3) of section 240.319, Florida Statutes, to read:

240.319 Community college district boards of trustees; duties and powers.—

(3) Such rules, procedures, and policies for the boards of trustees include, but are not limited to, the following:

(r) Each board of trustees is authorized to enter into contracts to provide a State Community College System Optional Retirement Program pursuant to s. 240.3195, and to enter into consortiums with other boards of trustees for this purpose.

Section 20. Section 240.3195, Florida Statutes, is created to read:

240.3195 State Community College System Optional Retirement Program.—Each community college may implement an optional retirement program, if such program is established therefor pursuant to s. 240.319(3)(r), under which annuity contracts providing retirement and death benefits may be purchased by, and on behalf of, eligible employees who participate in the program. Except as otherwise provided herein, this retirement program, which shall be known as the State Community College System Optional Retirement Program, may be implemented and administered only by an individual community college or by a consortium of community colleges.

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

(a) "Activation" means the date upon which an optional retirement program is first made available by the program administrator to eligible employees.

(b) "College" means public community colleges that are members of the State Community College System.

(c) "Division" means the Division of Retirement of the Department of Management Services.

(d) "Program administrator" means the individual college or consortium of colleges responsible for implementing and administering an optional retirement program.

(e) "Program participant" means an eligible employee who has elected to participate in an available optional retirement program as authorized by this section.

(2) Participation in the optional retirement program provided by this section is limited to employees who satisfy the criteria set forth in s. 121.051(2)(c).

(3)(a) With respect to any employee who is eligible to participate in the optional retirement program by reason of qualifying employment commencing before the program's activation:

1. The employee may elect to participate in the optional retirement program in lieu of participation in the Florida Retirement System. To become a program participant, the employee must file with the personnel officer of the college, within 60 days after the program's activation, both a written election on a form provided by the division and a completed application for an individual contract or certificate.

2. An employee's participation in the optional retirement program commences on the first day of the next full calendar month following the filing of the election and completed application with the program administrator and receipt of such election by the division. An employee's membership in the Florida Retirement System terminates on this same date.

3. Any such employee who fails to make an election to participate in the optional retirement program within 60 days after its activation has elected to retain membership in the Florida Retirement System.

(b) With respect to any employee who becomes eligible to participate in an optional retirement program by reason of qualifying employment commencing on or after the program's activation:

1. The employee may elect to participate in the optional retirement program in lieu of participation in the Florida Retirement System. To become a program participant, the employee must file with the personnel officer of the college, within 60 days after commencing qualifying employment, both a written election on a form provided by the division and a completed application for an individual contract or certificate.

2. An employee's participation in the optional retirement program commences on the first day of the next full calendar month following the filing of the election and completed application with the program administrator and receipt of such election by the division. An employee's membership in the Florida Retirement System terminates on this same date.

3. If the employee makes an election to participate in the optional retirement program before the community college submits its initial payroll for the employee, participation in the optional retirement program commences on the first date of employment.

4. Any such employee who fails to make an election to participate in the optional retirement program within 60 days after commencing qualifying employment has elected to retain membership in the Florida Retirement System.

(c) Any employee who, on or after an optional retirement program's activation, becomes eligible to participate in the program by reason of a change in status due to the subsequent designation of the employee's position as one of those referenced in subsection (2), or due to the employee's appointment, promotion, transfer, or reclassification to a position referenced in subsection (2), must be notified by the community college of the employee's eligibility to participate in the optional retirement program in lieu of participation in the Florida Retirement System. These eligible employees are subject to the provisions of paragraph (b) and may elect to participate in the optional retirement program in the same manner as those employees described in paragraph (b), except that the 60-day election period commences upon the date notice of eligibility is received by the employee.

(d) Program participants must be fully and immediately vested in the optional retirement program.

(e) The election by an eligible employee to participate in the optional retirement program is irrevocable for so long as the employee continues to meet the eligibility requirements set forth in this section and in s. 121.051(2)(c), except as provided in paragraph (i).

(f) If a program participant becomes ineligible to continue participating in the optional retirement program pursuant to the criteria referenced in subsection (2), the employee becomes a member of the Florida Retirement System if eligible. The college must notify the Division of Retirement of an employee's change in eligibility status within 30 days after the event that makes the employee ineligible to continue participation in the optional retirement program.

(g) An eligible employee who is a member of the Florida Retirement System at the time of election to participate in the optional retirement program retains all retirement service credit earned under the Florida

Retirement System, at the rate earned. Additional service credit in the Florida Retirement System may not be earned while the employee participates in the optional retirement program, nor is the employee eligible for disability retirement under the Florida Retirement System.

(h) A program participant may not simultaneously participate in any other state-administered retirement system, plan or class.

(i) Except as provided in s. 121.052(6)(d), a program participant who is or who becomes dually employed in two or more positions covered by the Florida Retirement System, one of which is eligible for an optional retirement program pursuant to this section and one of which is not, is subject to the dual employment provisions of chapter 121.

(4)(a) Each college must contribute on behalf of each program participant an amount equal to the normal cost portion of the employer retirement contribution which would be required if the program participant were a member of the Regular Class of the Florida Retirement System as provided in s. 121.071, plus the portion of the contribution rate required in s. 112.363(8) that would otherwise be assigned to the Retiree Health Insurance Subsidy Trust Fund, and less an amount approved by the community college to provide for the administration of the optional retirement program. Payment of this contribution must be made either directly by the community college or through the program administrator to the designated company contracting for payment of benefits to the program participant.

(b) Each community college must contribute on behalf of each program participant an amount equal to the unfunded actuarial accrued liability portion of the employer contribution which would be required if the program participant were a member of the Regular Class of the Florida Retirement System. Payment of this contribution must be made directly by the college to the division for deposit in the Florida Retirement System Trust Fund.

(c) Each program participant who has executed an annuity contract may contribute by way of salary reduction or deduction a percentage of the program participant's gross compensation, but this percentage may not exceed the corresponding percentage contributed by the community college to the optional retirement program. Payment of this contribution may be made either directly by the college or through the program administrator to the designated company contracting for payment of benefits to the program participant.

(d) Contributions to an optional retirement program by a college or a program participant are in addition to, and have no effect upon, contributions required now or in future by the Federal Social Security Act.

(5)(a) The benefits to be provided to program participants must be provided through individual contracts or group annuity contracts, which may be fixed, variable, or both. Each individual contract or certificate must state the type of annuity contract on its face page, and must include at least a statement of ownership, the contract benefits, annuity income options, limitations, expense charges, and surrender charges, if any.

(b) Benefits are payable under the optional retirement program to program participants or their beneficiaries, and the benefits must be paid only by the designated company in accordance with the terms of the annuity contracts applicable to the program participant, provided that benefits funded by employer contributions are payable only as a lifetime annuity to the program participant, except for:

1. A lump sum payment to the program participant's beneficiary or estate upon the death of the program participant; or

2. A cash-out of a de minimis account upon the request of a former program participant who has been terminated for a minimum of 6 months from the employment that caused the participant to be eligible for participation. A de minimis account is an account with a designated company containing employer contributions and accumulated earnings of not more than \$3,500. The cash-out must be a complete liquidation of the account balance with that designated company and is subject to the provisions of the Internal Revenue Code.

(c) The benefits payable to any person under the optional retirement program, and any contribution accumulated under the program, are not subject to assignment, execution, attachment, or to any legal process whatsoever.

(6)(a) The optional retirement program authorized by this section must be implemented and administered by the program administrator

under section 403(b) of the Internal Revenue Code. The program administrator has the express authority to contract with a third party to fulfill any of the program administrator's duties.

(b) The program administrator shall solicit competitive bids or issue a request for proposal and select no more than four companies from which annuity contracts may be purchased under the optional retirement program. In making these selections, the program administrator shall consider the following factors:

1. The financial soundness of the company.
2. The extent of the company's experience in providing annuity contracts to fund retirement programs.
3. The nature and extent of the rights and benefits provided to program participants in relation to the premiums paid.
4. The suitability of the rights and benefits provided to the needs of eligible employees and the interests of the college in the recruitment and retention of employees.

In lieu of soliciting competitive bids or issuing a request for proposals, the program administrator may authorize the purchase of annuity contracts under the optional retirement program from those companies currently selected by the Division of Retirement to offer such contracts through the State University System Optional Retirement Program, as set forth in s. 121.35.

(c) Optional retirement program annuity contracts must be approved in form and content by the program administrator in order to qualify. The program administrator may use the same annuity contracts currently used within the State University System Optional Retirement Program, as set forth in s. 121.35.

(d) The provision of each annuity contract applicable to a program participant must be contained in a written program description that includes a report of pertinent financial and actuarial information on the solvency and actuarial soundness of the program and the benefits applicable to the program participant. The company must furnish the description annually to the program administrator, and to each program participant upon commencement of participation in the program and annually thereafter.

(e) The program administrator must ensure that each program participant is provided annually with an accounting of the total contributions and the annual contributions made by and on the behalf of the program participant.

(Renumber subsequent section.)

And the title is amended as follows:

In title, on page 2, line 31, after the semicolon (;) insert: amending s. 121.051, F.S.; authorizing certain community college employees to withdraw from the Florida Retirement System and join an optional retirement program; prescribing eligibility criteria for participation; providing for contributions; providing that the decision to withdraw shall be irrevocable; providing for service credit; providing limits; amending s. 121.052, F.S.; conforming a provision relating to employment in more than one state-administered system, plan, or class, to extend application of that provision to members of the optional retirement program; amending s. 240.319, F.S.; authorizing community college district boards of trustees to contract for provision of such optional retirement programs; creating s. 240.3195, F.S.; authorizing implementation of optional retirement programs for personnel occupying certain positions within the State Community College System; providing definitions; providing procedures; providing limitations; providing for employer and employee contributions; providing for annuity contracts; providing for payment of benefits; protecting accumulated contributions from legal process; providing for administration; providing for selection of provider companies; providing for program description and annual accountings;

**Amendment 8 (with Title Amendment)**—On page 19, between lines 25 and 26, insert:

Section 17. In the process of implementing section 239.249, Florida Statutes, the Department of Education may credit toward the amount set aside from a participating agency's 1995-1996 allocation any balance remaining in that agency's setaside that was withheld during the 1994-1995 fiscal year, if the Jobs and Education Partnership so recommends.

(Renumber subsequent section.)

And the title is amended as follows:

In title, on page 2, line 31, after the semicolon (;) insert: providing conditions under which an educational agency may receive a 1-year exception to certain provisions of s. 239.249, F.S.;

The vote was:

Yeas—30 Nays—5

**Amendment 9**—In title, on page 1, line 2, strike “postsecondary”

#### RECONSIDERATION OF AMENDMENT

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

Senator Hargrett moved the following amendment to **Amendment 1** which failed:

**Amendment 1A**—On page 1, line 23, after “test” insert: *must not be culturally biased and*

The question recurred on **Amendment 1** which was adopted.

On motion by Senator Kirkpatrick, by two-thirds vote **CS for SB 1942** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34 Nays—2

**SB 2462**—A bill to be entitled An act relating to postsecondary education; amending s. 240.147, F.S.; requiring the Postsecondary Education Planning Commission to report certain recommendations to the appropriate committee of the Legislature; providing an effective date.

—was read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote **SB 2462** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—None

**SB 42**—A bill to be entitled An act relating to Medicaid provider fraud; amending s. 409.910, F.S.; reversing and repealing 1994 amendments to said section which broaden the scope of liability for which Medicaid benefits must be repaid, and related issues; amending s. 624.424, F.S.; conforming a cross-reference to changes made by the act; providing for retroactive application; providing an effective date.

—was read the second time by title.

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

**Amendment 1**—In title, on page 1, strike line 2 and insert: An act relating to Medicaid third-party liability;

On motion by Senator Kirkpatrick, by two-thirds vote **SB 42** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32 Nays—7

On motion by Senator McKay, by two-thirds vote **HB 529** was withdrawn from the Committee on Ways and Means.

On motion by Senator McKay—

**HB 529**—A bill to be entitled An act relating to confidentiality of records relating to the contract audit program of the Department of Revenue; amending s. 213.28, F.S., which provides for applicability of confidentiality requirements to certified public accountants who contract with the department; saving such exemption from repeal; revising an exemption from public records requirements for certain information obtained from the Internal Revenue Service and saving the exemption from repeal; deleting an increased penalty provision; providing an effective date.

—a companion measure, was substituted for **SB 878** and read the second time by title. On motion by Senator McKay, by two-thirds vote **HB 529** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

On motion by Senator McKay, by two-thirds vote **HB 519** was withdrawn from the Committee on Ways and Means.

On motion by Senator McKay—

**HB 519**—A bill to be entitled An act relating to confidentiality of information relating to persons supplying certain information to the Department of Revenue; reenacting s. 213.30(3), F.S., which provides an exemption from public records requirements for the identity of persons who supply information relating to a violation of tax laws; saving such exemption from repeal; providing an effective date.

—a companion measure, was substituted for **SB 880** and read the second time by title.

On motion by Senator McKay, further consideration of **HB 519** was deferred.

On motion by Senator McKay, by two-thirds vote **HB 517** was withdrawn from the Committee on Ways and Means.

On motion by Senator McKay—

**HB 517**—A bill to be entitled An act relating to confidentiality of taxpayer information shared under the Registration Information Sharing and Exchange Program; reenacting s. 213.0535(5), F.S., which provides an exemption from public records requirements for such information which is confidential by law; saving such exemption from repeal; providing an effective date.

—a companion measure, was substituted for **SB 882** and read the second time by title. On motion by Senator McKay, by two-thirds vote **HB 517** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—None

Consideration of **SB 1636** was deferred.

On motion by Senator Casas, by two-thirds vote **HB 215** was withdrawn from the Committees on Health Care; and Ways and Means.

On motion by Senator Casas—

**HB 215**—A bill to be entitled An act relating to physician assistants; amending s. 458.347, F.S.; revising provisions regulating physician assistant programs for, and certification of, certain unlicensed physicians who are foreign medical school graduates; increasing penalties applicable to physician assistants relating to violations of the practice act or certain other provisions regulating the practice of medicine; amending s. 459.022, F.S., relating to physician assistants for osteopathic physicians; providing penalties applicable to physician assistants relating to violations of the practice act or certain other provisions regulating the practice of osteopathy; amending s. 409.906, F.S.; correcting a cross reference; providing an effective date.

—a companion measure, was substituted for **SB 516** and read the second time by title. On motion by Senator Casas, by two-thirds vote **HB 215** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36 Nays—None

Consideration of **SB 2360** was deferred.

**CS for SB 232**—A bill to be entitled An act relating to motor vehicles; amending s. 322.34, F.S.; providing for the impoundment or immobilization of a motor vehicle upon the driver's arrest for driving under certain circumstances; providing for the assessment of fees and costs for such immobilization or impoundment, providing procedures; creating s. 321.245, F.S.; providing for the disposition of certain funds in the Highway Safety Operating Trust Fund; amending s. 324.201, F.S.; providing for the release of certain information to recovery agents or agencies; pro-

viding a procedure when a recovery agent or agency obtains a seized license plate; authorizing recovery agents and agencies to seize license plates in certain counties; providing for rules of the Department of Highway Safety and Motor Vehicles; amending s. 627.7295, F.S.; specifying the minimum time period within which a new policy or binder may not be canceled; amending s. 627.732, F.S.; defining the term "recovery agent"; amending s. 627.733, F.S.; providing for the disposition of fees with respect to certain license plates seized by recovery agents; amending s. 627.736, F.S.; requiring the department to release certain insurance information to persons involved in accidents; amending s. 627.739, F.S.; providing for application of a deductible amount; providing for receipt of certain benefits after a deductible is met; providing an effective date.

—was read the second time by title.

Senator Williams moved the following amendment which was adopted:

**Amendment 1 (with Title Amendment)**—On page 11, strike all of lines 8-20 and renumber subsequent section.

And the title is amended as follows:

In title, on page 1, line 29, after the semicolon (;) through line 31, strike all of said lines and insert: providing for receipt of certain

On motion by Senator Grant, by two-thirds vote **CS for SB 232** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37      Nays—None

**SB 674**—A bill to be entitled An act relating to secondhand dealers; amending s. 538.06, F.S.; providing that a secondhand dealer may accept title in lieu of actual physical possession of a motor vehicle upon meeting certain conditions; setting forth required conditions; providing an effective date.

—was read the second time by title.

One amendment was adopted to **SB 674** to conform the bill to **CS for HB 153**.

Pending further consideration of **SB 674** as amended, on motion by Senator Silver, by two-thirds vote **CS for HB 153** was withdrawn from the Committee on Governmental Reform and Oversight.

On motion by Senator Silver—

**CS for HB 153**—A bill to be entitled An act relating to secondhand dealers; amending s. 538.03; redefining the terms "secondhand dealer" and "transaction"; defining the term "title loan"; amending s. 538.06, F.S.; providing that a secondhand dealer may enter into title loan transactions and accept title in lieu of actual physical possession of a motor vehicle upon meeting certain conditions; amending s. 538.15, F.S.; providing that it is unlawful for a secondhand dealer to conduct pawn transactions and title loan transactions from the same location or use the word "pawn" or "pawnbroker" in specified circumstances if the secondhand dealer engages in title loan transactions; amending s. 538.16, F.S., relating to the disposal of property by secondhand dealers; including reference to a motor vehicle which is security for a title loan; providing an effective date.

—a companion measure, was substituted for **SB 674** and read the second time by title.

Senator Sullivan moved the following amendment which was adopted:

**Amendment 1 (with Title Amendment)**—On page 1, line 24, through page 2, line 18, strike all of said lines and insert:

Section 1. Paragraphs (a) and (h) of subsection (1) and paragraphs (l) and (m) of subsection (2) of section 538.03, Florida Statutes, are amended, paragraphs (i), (j), and (k) of subsection (1) are redesignated as paragraphs (j), (k), and (l), respectively, and a new paragraph (i) is added to said subsection, to read:

538.03 Definitions; applicability.—

(1) As used in this part, the term:

(a) "Secondhand dealer" means any person, corporation, or other business organization or entity which is not a secondary metals recycler

subject to part II and which is engaged in the business of purchasing, consigning, or pawning secondhand goods or entering into title loan transactions. However, secondhand dealers are not limited to dealing only in items defined as secondhand goods in paragraph (g). Except as provided in subsection (2), the term means pawnbrokers, jewelers, precious metals dealers, garage sale operators, secondhand stores, and consignment shops.

(h) "Transaction" means any title loan, purchase, consignment, or pawn of secondhand goods by a secondhand dealer.

(i) "Title loan" means a loan of money secured by bailment of a certificate of title to a motor vehicle. A title loan is not a pawn if the secondhand dealer does not maintain physical possession of the vehicle throughout the term of the transaction.

(2) This chapter does not apply to:

(l) Any auction business as defined in s. 468.382(1), ~~unless the business deals in secondhand goods.~~

(m) Any business that is registered with the Department of Revenue for sales tax purposes as an antique dealer pursuant to chapter 212 and that person who purchases secondhand goods household furnishings from the property owner or his representative at the property owner's residence pursuant to a written agreement that which states the name, address, and telephone number of the property owner and the type of property purchased.

And the title is amended as follows:

In title, on page 1, line 3, following the semicolon (;) insert: providing an exemption from regulation for auction businesses; providing an exemption from regulation for registered antique dealers, who purchase secondhand goods, rather than for any person who purchases household furnishings, under specific circumstances;

Senator Silver moved the following amendment which was adopted:

**Amendment 2 (with Title Amendment)**—On page 4, between lines 12 and 13, insert:

Section 5. Subsection (4) of section 516.02, Florida Statutes, is amended to read:

516.02 Loans; lines of credit; rate of interest; license.—

(4) This chapter does not apply to any person who does business under, and as permitted by, any law of this state or of the United States relating to banks, savings banks, trust companies, building and loan associations, credit unions, or industrial loan and investment companies ~~or to any bona fide pawnbroking business transacted under a pawnbroker's license. This chapter also does not apply to title loans as defined in s. 538.03(1)(i) or pawns as defined in s. 538.03(1)(d).~~ A pawnbroker may not be licensed to transact business under this chapter.

(Renumber subsequent section.)

And the title is amended as follows:

In title, on page 1, line 20, after the semicolon (;) insert: amending s. 516.02, F.S.; providing that ch. 516, F.S., does not apply to certain transactions governed by ch. 538, F.S.;

On motion by Senator Silver, by two-thirds vote **CS for HB 153** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37      Nays—None

**CS for SB 2090**—A bill to be entitled An act relating to investment of public funds; creating s. 218.415, F.S.; requiring that certain investment activity of units of local government shall be consistent with a written investment plan; providing for establishment of certain investment policies which place priority on the safety of principal and liquidity of funds; providing scope; providing for investment objectives; providing for performance measurement; requiring a description of the level of prudence and ethical standards to be followed; providing for listing of authorized investments; providing for establishment of maturity and liquidity requirements; providing for portfolio composition; providing for appropriate diversification to minimize risk; providing for specification of

authorized investment institutions and dealers; providing for third-party custodial agreements; providing for repurchase agreements; providing for competitive bidding; providing for establishment of internal controls and operational procedures; providing for reports; specifying alternative investment guidelines to apply where there is no investment plan; amending s. 218.403, F.S.; redefining the term "unit of local government" to include county constitutional officers; amending ss. 125.31, 166.261, 218.345, 219.075, and 236.24, F.S., relating to investment of local government surplus funds by counties, municipalities, special districts, county officers, and district school boards, to conform; providing an effective date.

—was read the second time by title.

Senator Rossin moved the following amendment which was adopted:

**Amendment 1**—On page 2, line 13, strike "having custody of public funds"

On motion by Senator Rossin, by two-thirds vote **CS for SB 2090** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36 Nays—None

Consideration of **CS for SB 2810** was deferred.

**CS for SB's 728 and 770**—A bill to be entitled An act relating to criminal prosecutions; amending s. 775.15, F.S.; providing that the prosecution for a felony that resulted in a death may be commenced at any time; providing an effective date.

—was read the second time by title. On motion by Senator Gutman, by two-thirds vote **CS for SB's 728 and 770** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36 Nays—None

**CS for SB 56**—A bill to be entitled An act relating to sexual predators; amending s. 775.21, F.S.; providing additional legislative findings and intent with respect to the Florida Sexual Predators Act; amending s. 775.22, F.S., relating to the requirement that persons convicted of certain sexual offenses register with the Department of Law Enforcement; requiring the Department of Law Enforcement, the Department of Corrections, the county sheriff, or the employing agency of the officer supervising the offender to notify a sexual predator of certain hearing requirements; creating s. 775.225, F.S.; requiring the state attorney to file a petition with the circuit court for a hearing to determine if the sexual predator poses a threat to the public; providing for the sexual predator to present testimony and be represented by counsel; requiring the sheriff or chief of police to publish notice notifying the community where the sexual predator resides if the court finds that the sexual predator poses a threat to the public; providing immunity from civil liability for certain officials, employees, and agencies; amending s. 775.23, F.S.; requiring the court to notify a sexual predator at the time of sentencing of the requirement for a hearing following release to determine whether the sexual predator poses a threat to the public; providing an effective date.

—was read the second time by title.

Senator Wexler offered the following amendment which was moved by Senator Rossin and adopted:

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

Section 1. Section 775.21, Florida Statutes, is amended to read:

775.21 The Florida Sexual Predators Act; legislative findings and intent.—

(1) **SHORT TITLE.**—Sections 775.21-775.23 This act may be cited as "The Florida Sexual Predators Act."

(2) **LEGISLATIVE FINDINGS.**—The Legislature finds that:

(a) Sex offenders are extremely likely to use physical violence and to repeat their offenses, and most sex offenders commit many offenses, have

many more victims than are ever reported, and are prosecuted for only a fraction of their crimes. This makes the cost of sex offender victimization to society at large, while incalculable, clearly exorbitant.

(b) The high level of threat that a violent or repeat sex offender presents to the public safety, and the long-term effects that sex offenses cause victims, provide the state with sufficient justification to design and implement innovative mechanisms as part of a strategy to achieve a significant reduction in the commission of violent and repeat sex offenses, a strategy that includes:

1. Maintaining adequate facilities to ensure that decisions to release sexual predators into the community are not made on the basis of inadequate space.

~~2. Providing an adequate number of well-trained probation officers to ensure that sexual predators are released into the community under supervision.~~

~~2.3. Providing for postincarceration supervision for the sexual predator population, subject to specified terms and conditions established by the Parole Commission as set forth in s. 947.1405(2), implemented at the time of release from incarceration, with a requirement that those who are financially able must pay all or part of the costs of supervision. When the commission has reasonable grounds to believe that a sexual predator has violated the terms and conditions of release, such offender shall be subject to the provisions of s. 947.141 and shall be subject to forfeiture of gain-time pursuant to s. 944.28(1).~~

3.4. Providing for supervision of sexual predators who are released into the community, by an adequate number of well-trained probation officers with low caseloads, with terms and conditions which may include electronic monitoring.

4.5. Requiring the registration of sexual predators, with a requirement that complete and accurate information be maintained and accessible for use by law enforcement authorities.

5. Providing for notification of the community concerning the presence of certain sexual predators.

(c) The public is not adequately protected from violent or repeat sex offenses. The nature of sex offenses, the devastation to the victims, the likelihood of violent and repeat offenses, and the costs of victimization are compelling reasons to focus state resources on addressing the problem of sexual predators.

(d) The state has a compelling interest in protecting the public from serious sex offenses and there is sufficient justification for requiring that the public be notified of the presence of certain sexual predators.

(3) **LEGISLATIVE INTENT.**—It is the intent of the Legislature to address the problem of sexual predators by providing probation officers with low caseloads pursuant to the conditional release program, and requiring registration and the maintenance of access by law enforcement to locator and other registration information, and requiring the sheriff or chief of police to notify the public if, after a hearing, the circuit court finds that a sexual predator poses a threat to the public.

Section 2. Section 775.22, Florida Statutes, is amended to read:

775.22 Sexual predator registration; requirements, procedure, and penalties.—

(1) **LEGISLATIVE FINDINGS AND PURPOSE.**—

(a) In order to deter the commission of repeat sex offenses and sex offenses involving physical violence, to enhance law enforcement's ability to react when violent or repeat sex offenses are committed, and to collect and analyze statistical and informational data for monitoring and tracking purposes, it is essential to require statewide registration of sexual predators. This must be accomplished by maintaining an accurate and current computer data base system for instant 24-hour-a-day access that allows the tracking of sexual predators. The purpose of this section is to enhance the public safety by requiring the registration of sexual predators, providing for the monitoring of their activities and the tracking of their whereabouts, and facilitating law enforcement and prosecution, and providing information to communities to enhance public safety. The goal of this section is the on-line establishment of a centralized system through which certain information concerning sexual predators, including locator information, can be instantaneously accessed by local, state, and federal law enforcement.

(b)1. *The Legislature finds that sexual predators often present a high risk of engaging in sexual offenses after being released from incarceration or commitment and that protection of the public from sexual predators is of paramount and compelling governmental importance. The Legislature further finds that local law enforcement's efforts to protect their communities, conduct appropriate investigations, and apprehend offenders who commit sexual offenses are impaired by the lack of information available to the public about convicted sexual predators and that the lack of information shared with the public may result in the failure of the criminal justice system to identify, investigate, apprehend, and prosecute offenders.*

2. *The state has a compelling interest in protecting the public from the commission of serious sexual offenses. The purpose of this act is to enhance the public safety by providing for notification to the community concerning the presence of offenders who fit the criteria for the category of sexual predator as defined in this chapter.*

(2) **REGISTRATION CRITERIA.**—Each offender who is convicted, on a current offense committed on or after October 1, 1993, of, or is found to have committed, regardless of adjudication, or pleads guilty or nolo contendere to:

(a) Any capital, life, or first degree felony violation of chapter 794 or s. 847.0145, or of a similar law of another jurisdiction; or

(b) Any second degree or greater felony violation of chapter 794, s. 800.04, s. 827.071, or s. 847.0145, or of a similar law of another jurisdiction, and who has previously been convicted of or found to have committed, regardless of adjudication, or has pled nolo contendere or guilty to, any violation of s. 794.011(2), (3), (4), or (5), or (8) s. 794.023, or 794.041(2)(a) or (b), s. 800.04, s. 827.071, s. 847.0133, or s. 847.0145, or of a similar law of another jurisdiction,

is a sexual predator and must register or be registered in accordance with this section. *In order to be counted as a prior felony for purposes of designation as a sexual predator under this section, the felony must have been sentenced separately prior to the current offense.*

(3) **REGISTRATION PROCEDURE.**—

(a) As used in this section, "registration" means provision of the following information to the Florida Department of Law Enforcement, for access and use by local, state, and federal law enforcement:

1. Name, social security number, age, race, sex, date of birth, height, weight, hair and eye color, photograph, address of legal residence, address of any current temporary residence, date and place of any employment, date and place of each conviction, fingerprints, and a brief description of the crime or crimes committed by the offender. The photograph and fingerprints do not have to be stored in a computerized format.

2. Any other information, including criminal and corrections records, nonprivileged personnel, treatment, and abuse registry records, and evidentiary genetic markers when available, that the Florida Department of Law Enforcement determines is necessary.

(b) Each sexual predator who is residing permanently or temporarily in the state outside of a correctional facility or jail or secure treatment facility, with respect to whom registration is required by this section, must register or be registered within 48 hours after entering the county of permanent or temporary residence. As used in this paragraph, "entering the county" includes being discharged from a correctional facility or jail or secure treatment facility within the county or being under supervision within the county for the commission of a violation as itemized in paragraph (a) or paragraph (b) of subsection (2); "temporary residence" includes a stay of 2 or more weeks; and "notify" means to provide written notice of the sexual predator's registration and location.

1. Registration shall be made with the Department of Law Enforcement. The sexual predator is not required to make any further registration in any county, and the department must notify the sheriff of the county where the sexual predator permanently or temporarily resides within 48 hours after registration of the sexual predator. A sexual predator who is registered with the Department of Law Enforcement must notify the department of any change in permanent or temporary residence within 48 hours after arrival at the new place of permanent or temporary residence.

2. The sheriff must notify the police chief of the municipality where the sexual predator resides, if any, within 48 hours after receiving the Department of Law Enforcement's notification of the sexual predator's registration.

3. The Department of Law Enforcement is responsible for the on-line maintenance of current information regarding each registered sexual predator.

(c) The registration requirement does not apply to a sexual predator:

1. Whose civil rights have been restored and who has *not been convicted of a had-no* felony sex offense offenses subsequent to restoration of civil rights;

2. Who has received a full pardon for any felony sex offense which met the criteria for a sexual predator designation offense; or

3. Whose prior enumerated offense under subsection (2)(b) was committed before October 1, 1983, and such person registration requirement under this section arose more than 10 years prior to October 1, 1993, and who has been lawfully released from custody and supervision for any felony sex offense committed prior to October 1, 1983 the time registration would otherwise be required, unless the sexual predator is a fugitive from justice on a felony charge.

(d) *The Department of Law Enforcement shall notify a sexual predator who registers with the department for an offense committed on or after October 1, 1995, of the requirement for a hearing before the circuit court for the county where the sexual predator permanently or temporarily resides, as provided in s. 775.225, to determine whether the sexual predator poses a threat to the public.*

(e)(d) The Department of Law Enforcement may adopt rules as necessary to carry out its responsibilities with regard to the registration of sexual predators as required by this section

(f)(e) With respect to an offender released from incarceration or an offender under supervision who is required by this section to be registered as a sexual predator and who is not registered, the Department of Corrections, the county sheriff, or the employing agency of the officer supervising the offender, shall provide the offender with written notice and secure from the offender written acknowledgement of the registration requirements of this section, and shall register the offender with the Department of Law Enforcement in accordance with this section. *The Department of Corrections, the county sheriff, or the employing agency of the officer supervising the offender shall also notify an offender who is registered or is required to be registered as a sexual predator that if the offender commits an act defined in this section on or after October 1, 1995, the offender will be subject to a hearing before the circuit court for the county where the sexual predator permanently or temporarily resides, as provided in s. 775.225, to determine whether the sexual predator poses a threat to the public.*

(g)(f)1. Any sexual predator who is required by this section to register or be registered and who fails to register or be registered or who fails, after registration, to provide required notification of location, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. Any sexual predator on supervised release from incarceration who is required by this section to register or be registered and who fails to register or be registered or who fails, after registration, to provide required notification of location, commits a violation of the conditions of the supervised release.

(h)(g) The Department of Law Enforcement shall maintain, as a feature of its computerized sexual predator registration system, hot-line access for state, local, and federal law enforcement officers to obtain instantaneous locator file and offender characteristics information on all released registered sexual predators for purposes of monitoring, tracking, and prosecution.

Section 3. Section 775.225, Florida Statutes, is created to read:

775.225 Public notice of presence of sexual predator; hearing required.—

(1) Following the registration of a sexual predator as required under s. 775.22, the state attorney shall file a petition with the circuit court for the county where the sexual predator permanently or temporarily resides for the purpose of holding a hearing to determine, by a preponderance of the evidence, whether the sexual predator poses a threat to the public. At the hearing, the sexual predator has the right to be present, to present testimony, to call and cross-examine witnesses, and to be represented by counsel. The court shall consider all relevant evidence, including, but not limited to:

(a) The relationship between the sexual predator and the victim of the offense described in s. 775.22(2);

(b) Whether the offense described in s. 775.22(2) involved the use of a weapon or violence, or the threat of violence;

(c) The circumstances surrounding any prior sexual offenses or violent offenses, including the number of the offenses and the date they were committed;

(d) Whether there is evidence, based on a psychological or psychiatric evaluation or treatment and evaluation records or expert testimony, which indicates a risk of recidivism;

(e) The sexual predator's response to treatment, if any; and

(f) The recent behavior of the sexual predator.

The state has the right, upon motion, to conduct a mental examination of the sexual predator.

(2)(a) If, after considering the evidence, the court finds that the sexual predator poses a threat to the public and that notice to the community where the sexual predator temporarily or permanently resides is necessary to protect public safety, the court shall submit its finding to the sheriff of that county or the chief of police of that municipality.

(b) Notwithstanding any other law to the contrary, the sheriff of the county or the chief of police of the municipality where the sexual predator temporarily or permanently resides shall notify the public of the presence of the sexual predator. The notice must be published once a week for 2 consecutive weeks, two publications being sufficient, in a newspaper of general circulation distributed in the county where the sexual predator temporarily or permanently resides. The notice must include:

1. The name of the sexual predator;
2. A description of the sexual predator, including a photograph;
3. The name of the county or municipality where the sexual predator temporarily or permanently resides;
4. The offense and the circumstances surrounding the conviction of the sexual predator for the offense described in s. 775.22(2); and
5. The age of the victim of the offense described in s. 775.22(2).

This paragraph does not authorize the release of the name of the victim.

(3) An elected official, public employee, or agency is immune from civil liability for damages resulting from the release of information under this section.

Section 4. Section 775.23, Florida Statutes, is amended to read:

775.23 Sexual predators.—

(1) LEGISLATIVE FINDINGS AND PURPOSE.—The Legislature finds that repeat sex offenders and sex offenders who use physical violence are sexual predators who present an extreme threat to the public safety and that these offenders must be subject to supervision upon release from incarceration.

(2) DEFINITION.—As used in this section, "sexual predator" means an offender who is convicted on the current offense of or is found to have committed, regardless of adjudication, or who pleads nolo contendere or guilty to:

(a) Any capital, life, or first degree felony violation of chapter 794 or s. 847.0145, or of a similar law of another jurisdiction; or

(b) Any second degree or greater felony violation of chapter 794, s. 800.04, s. 827.071, or s. 847.0145, or of a similar law of another jurisdiction, and who has previously been convicted of or found to have committed, regardless of adjudication, or has pled nolo contendere or guilty to, any violation of s. 794.011(2), (3), (4), ~~or~~ (5), or (8) s. 794.023, ~~s. 794.041(2)(a) or (b)~~, s. 800.04, s. 827.071, s. 847.0133, or s. 847.0145, or of a similar law of another jurisdiction. *In order to be counted as a prior felony for purposes of designation as a sexual predator under this section, the felony must have been sentenced separately prior to the current offense.*

(3) FINDING AND NOTICE.—

(a) Upon sentencing an offender who meets the definition of paragraph (2)(a) or ~~paragraph (b) of subsection (2)~~, when the current offense was committed on or after October 1, 1993, the court shall make a written finding that the offender is a sexual predator.

(b) *Upon sentencing a sexual predator for an offense committed on or after October 1, 1995, the court shall notify the sexual predator of the requirement for a hearing before the circuit court for the county where the sexual predator permanently or temporarily resides, as provided in s. 775.225, to determine whether the sexual predator poses a threat to the public.*

Section 5. Subsection (2) of section 947.1405, Florida Statutes, 1994 Supplement, is amended to read:

947.1405 Conditional release program.—

(2) Any inmate who:

(a) Is convicted of a crime committed on or after October 1, 1988, and before January 1, 1994, and any inmate who is convicted of a crime committed on or after January 1, 1994, which crime is or was contained in category 1, category 2, category 3, or category 4 of Rule 3.701 and Rule 3.988, Florida Rules of Criminal Procedure (1993), and who has served at least one prior felony commitment at a state or federal correctional institution; ~~or~~

(b) Is sentenced as a habitual or violent habitual offender pursuant to s. 775.084; or

(c) *Is found to be a sexual predator under s. 775.23,*

shall, upon reaching the tentative release date or provisional release date, whichever is earlier, as established by the Department of Corrections, be released under supervision subject to specified terms and conditions, including payment of the cost of supervision pursuant to s. 948.09. Effective July 1, 1994, and applicable for offenses committed on or after that date, the commission may require, as a condition of conditional release, that the releasee make payment of the debt due and owing to a county or municipal detention facility under s. 951.032 for medical care, treatment, hospitalization, or transportation received by the releasee while in that detention facility. The commission, in determining whether to order such repayment and the amount of such repayment, shall consider the amount of the debt, whether there was any fault of the institution for the medical expenses incurred, the financial resources of the releasee, the present and potential future financial needs and earning ability of the releasee, and dependents, and other appropriate factors. If an inmate has received a term of probation or community control supervision to be served after release from incarceration, the period of probation or community control must be substituted for the conditional release supervision. A panel of no fewer than two commissioners shall establish the terms and conditions of any such release. If the offense was a controlled substance violation, the conditions shall include a requirement that the offender submit to random substance abuse testing intermittently throughout the term of conditional release supervision, upon the direction of the correctional probation officer as defined in s. 943.10(3). The commission shall also determine whether the terms and conditions of such release have been violated and whether such violation warrants revocation of the conditional release.

Section 6. This act shall take effect October 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 sexual predators; amending s. 775.21, F.S.; providing additional legislative findings and intent with respect to the Florida Sexual Predators Act; amending s. 775.22, F.S., relating to the requirement that persons convicted of certain sexual offenses register with the Department of Law Enforcement; revising legislative findings and purpose; clarifying the offenders who are subject to registration as sexual predators; requiring the Department of Law Enforcement, the Department of Corrections, the county sheriff, or the employing agency of the officer supervising the offender to notify a sexual predator of certain hearing requirements; creating s. 775.225, F.S.; requiring the state attorney to file a petition with the circuit court for a hearing to determine if the sexual predator poses a threat to the public; providing for the sexual predator to present testimony and be represented by counsel; requiring the sheriff or chief of police to publish notice notifying the community where the sexual predator resides if the court finds that the sexual predator poses a threat to the public; providing immunity from

civil liability for certain officials, employees, and agencies; amending s. 775.23, F.S.; clarifying the term "sexual predator"; requiring the court to notify a sexual predator at the time of sentencing of the requirement for a hearing following release to determine whether the sexual predator poses a threat to the public; amending s. 947.1405, F.S.; requiring conditional release supervision upon release for a sexual predator; providing an effective date.

On motion by Senator Rossin, by two-thirds vote **CS for SB 56** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35      Nays—None

**SB 682**—A bill to be entitled An act relating to juvenile offenders; amending s. 39.01, F.S.; revising the security criteria for a moderate-risk residential facility for juvenile offenders; authorizing the staff at the facility to seclude a juvenile under certain circumstances; authorizing the use of mechanical restraint; providing an effective date.

—was read the second time by title.

Senator Hargrett moved the following amendments which were adopted:

**Amendment 1**—On page 1, line 27, after the period (.) insert: *Upon specific appropriation,*

**Amendment 2 (with Title Amendment)**—On page 2, between lines 9 and 10, insert:

Section 2. Subsection (4) of section 39.021, Florida Statutes, 1994 Supplement, is amended to read:

39.021 Administering the juvenile justice continuum.—

(4) ~~Pursuant to rules adopted by the department,~~ The department may transfer a child, when necessary to appropriately administer the child's commitment, from one facility or program to another facility or program operated, contracted, subcontracted, or designated by the department. *The department shall notify the court that committed the child to the department, in writing, of its transfer of the child from a commitment facility or program to another facility or program of a higher or lower restrictiveness level. The court that committed the child may agree to the transfer or may set a hearing to review the transfer. If the court does not respond within 10 days after receipt of the notice, the transfer of the child shall be deemed granted.*

(Renumber subsequent section.)

And the title is amended as follows:

In title, on page 1, line 8, after the semicolon (;) insert: amending s. 39.021, F.S.; requiring the Department of Juvenile Justice to notify the court of a transfer of a child from a commitment facility or program to another facility or program;

On motion by Senator Hargrett, by two-thirds vote **SB 682** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34      Nays—None

Consideration of **CS for SB 2164** was deferred.

On motion by Senator Dudley, by two-thirds vote **HB 2375** was withdrawn from the Committee on Judiciary.

On motion by Senator Dudley—

**HB 2375**—A bill to be entitled An act relating to arbitrators and mediators; amending s. 44.107, F.S.; providing judicial immunity to any person appointed to assist the Supreme Court in disciplining arbitrators and mediators; providing an effective date.

—a companion measure, was substituted for **SB 1512** and read the second time by title.

Senator Dudley moved the following amendment which was adopted:

**Amendment 1**—On page 1, strike all of lines 14-17 and insert: or a mediator appointed ~~under pursuant to~~ s. 44.102 shall have judicial immunity in the same manner and to the same extent as a judge. *A person appointed under s. 44.106 to assist the Supreme Court in performing its disciplinary function shall have absolute immunity from liability arising from the performance of that person's duties while acting within the scope of that person's appointed function.*

On motion by Senator Dudley, by two-thirds vote **HB 2375** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38      Nays—None

**SB 126**—A bill to be entitled An act relating to traffic violations; amending s. 322.34, F.S.; increasing the penalty for the third or subsequent conviction of driving with a canceled, suspended, or revoked driver's license; providing an effective date.

—was read the second time by title.

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

**Amendment 1 (with Title Amendment)**—On page 2, strike all of lines 4 and 5 and insert: license is revoked *upon:*

(a) *A first conviction is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082, or s. 775.083.*

(b) *A second or subsequent conviction is guilty of a felony of the third degree punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

And the title is amended as follows:

In title, on page 1, line 6, after "license;" insert: increasing penalty for a second or subsequent offense for habitual offender;

**Amendment 2 (with Title Amendment)**—On page 2, strike all of lines 21-23 and insert: canceled, suspended, revoked, or disqualified, *upon:*

(a) *A first conviction is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082, or s. 775.083.*

(b) *A second or subsequent conviction is guilty of a felony of the third degree punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

And the title is amended as follows:

In title, on page 1, line 6, after "license;" insert: increasing penalty for a second or subsequent offense by person operating a commercial motor vehicle;

On motion by Senator Myers, by two-thirds vote **SB 126** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33      Nays—1

On motion by Senator Holzendorf, by two-thirds vote **HB 545** was withdrawn from the Committee on Banking and Insurance.

On motion by Senator Holzendorf, by two-thirds vote—

**HB 545**—A bill to be entitled An act relating to health insurance; amending s. 627.4233, F.S.; clarifying certain provisions relating to the definition of total disability; amending s. 627.6561, F.S.; limiting certain preexisting condition requirements to specified group health insurance policies; authorizing certain group policies to exclude coverage for preexisting conditions under certain circumstances; revising a time limitation for coverage of preexisting conditions; providing an effective date.

—a companion measure, was substituted for **SB 792** and by two-thirds vote read the second time by title. On motion by Senator Holzendorf, by two-thirds vote **HB 545** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37      Nays—None

## THE PRESIDENT PRESIDING

**SB 46**—A bill to be entitled An act relating to memory disorder clinics; amending s. 410.402, F.S.; specifying memory disorder centers to receive state funding; providing an effective date.

—was read the second time by title.

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

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

Section 1. Subsection (1) of section 410.402, Florida Statutes, is amended, a new subsection (3) is added to that section, and present subsections (3) and (4) are redesignated as subsections (4) and (5) to read:

410.402 Alzheimer's disease; memory disorder clinics and day care and respite care programs.—

(1) The Legislature shall fund:

(a) A memory disorder clinic at each of the three medical schools in this state;

(b) A memory disorder clinic at a major private nonprofit research-oriented teaching hospital, and may fund a memory disorder clinic at and/or any of the other affiliated teaching hospitals;

(c) A memory disorder clinic at the Mayo Clinic in Jacksonville;

(d) A memory disorder clinic at the West Florida Regional Medical Center;

(e) ~~The East Central Florida Memory Disorder Clinic at the Joint Center for Advanced Therapeutics and Biomedical Research of the Florida Institute of Technology and Holmes Regional Medical Center, Inc.; at a memory disorder center operated by a nonprofit regional hospital and the Claude Pepper Institute for Aging and Therapeutic Research, and at~~

(f) A memory disorder center located in a public hospital that which is operated by an independent special hospital taxing district that which governs multiple hospitals and is located in a county with a population greater than 800,000 persons,

for the purpose of conducting research and training in a diagnostic and therapeutic setting for persons suffering from Alzheimer's disease and related memory disorders. However, memory disorder clinics funded as of June 30, 1995, shall not receive decreased funding due solely to subsequent additions of memory disorder clinics in this subsection.

(3) The Alzheimer's Disease Advisory Committee must evaluate the need for additional memory disorder clinics in the state. The first report will be due by December 31, 1995.

Section 2. This act shall take effect July 1, 1995.

And the title is amended as follows:

In title, on page 1, line 4, after the semicolon (;) insert: providing that certain memory disorder clinics shall not receive decreased funding; requiring the Alzheimer's Disease Advisory Committee to evaluate the need for additional memory disorder clinics;

On motion by Senator Kurth, by two-thirds vote **SB 46** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39      Nays—None

**SB 1016**—A bill to be entitled An act relating to water resources; amending ss. 373.026 and 373.036, F.S.; prohibiting the water management districts from establishing water quality standards; creating s. 373.414, F.S.; providing procedures and timeframes for approval of certain permits; amending s. 373.415, F.S.; limiting authority of water management districts to establish protection zones; providing an effective date.

—was read the second time by title.

The Committee on Natural Resources recommended the following amendment which was moved by Senator Bronson:

**Amendment 1 (with Title Amendment)**—On page 1, line 14, through page 3, line 18, strike all of said lines and insert:

Section 1. Subsection (16) of section 373.019, Florida Statutes, 1994 Supplement, is amended to read:

373.019 Definitions.—When appearing in this chapter or in any rule, regulation, or order adopted pursuant thereto, the following words shall, unless the context clearly indicates otherwise, mean:

(16) "State water policy" means the comprehensive statewide policy as adopted by the department pursuant to ss. 373.026 and 403.061 setting forth goals, objectives, and guidance for the development and review of programs, rules, and plans relating to water resources. The waters of the state are among its most basic resources. Such waters should be managed to conserve and protect water resources and to realize the full beneficial use of these resources. ~~The Land Use and Water Planning task force was established by chapter 93-206, Laws of Florida, to formulate recommendations to the Legislature on the relationship between district water management plans, the growth management portion of the state comprehensive plan, regional policy plans, and local comprehensive plans. In order to provide for consistency between growth management policy and water management policy the task force shall make recommendations to the 1995 Legislature on the mechanisms and procedures for establishing and amending water policy. In an attempt to consider these recommendations and receive the benefit of a review by House and Senate natural resources committees, the amendments to chapter 17-40, Florida Administrative Code, adopted by the Environmental Regulation Commission on December 1, 1993, shall not become effective until July 1, 1995.~~

Section 2. Subsection (13) of section 373.414, Florida Statutes, 1994 Supplement, is amended to read:

373.414 Additional criteria for activities in surface waters and wetlands.—

(13) Any declaratory statement issued by the department under s. 403.914, 1984 Supplement to the Florida Statutes 1983, as amended, or pursuant to rules adopted thereunder, or by a water management district under s. 373.421, in response to a petition filed on or before June 1, 1994, shall continue to be valid for the duration of such declaratory statement. Any such petition pending on June 1, 1994, shall be exempt from the methodology ratified in s. 373.4211, but the rules of the department or the relevant water management district, as applicable, in effect prior to the effective date of s. 373.4211, shall apply. In the event that a jurisdictional declaratory statement pursuant to the vegetative index in effect prior to the effective date of chapter 84-79, Laws of Florida, has been obtained and is valid prior to the effective date of the rules adopted under subsection (9) or July 1, 1994, whichever is later, and the affected lands are part of a project for which a master development order has been issued pursuant to s. 380.06(21), the declaratory statement shall remain valid for the duration of the buildout period of the project. Any jurisdictional determination validated by the department pursuant to rule 17-301.400(8), Florida Administrative Code, as it existed in rule 17-4.022, Florida Administrative Code, on April 1, 1985, shall remain in effect for a period of 5 years following the effective date of this act if proof of such validation is submitted to the department prior to January 1, 1995. In the event that a jurisdictional determination has been revalidated by the department pursuant to this subsection and the affected lands are part of a project for which a development order has been issued pursuant to s. 380.06(15), a final development order to which s. 163.3167(8) applies has been issued, or a vested rights determination has been issued pursuant to s. 380.06(20), the jurisdictional determination shall remain valid until the completion of the project, provided proof of such validation and documentation establishing that the project meets the requirements of this sentence are submitted to the department prior to January 1, 1995. Activities proposed within the boundaries of a valid declaratory statement issued pursuant to a petition submitted to either the department or the relevant water management district prior to June 1, 1994, or a revalidated jurisdictional determination, prior to its expiration shall continue thereafter to be exempt from the methodology ratified in s. 373.4211 and to be reviewed under the rules adopted pursuant to ss. 403.91-403.929, 1984 Supplement to the Florida Statutes 1983, as amended, and this part, in existence prior to the effective date of the rules adopted under subsection (9), unless the applicant elects to have such activities reviewed under the rules adopted under this part, as amended in accordance with subsection (9).

Section 3. Section 373.4141, Florida Statutes, is created to read:

373.4141 Permits; processing.—

(1) Within 30 days after receipt of an application for a permit under this part, the department or the water management district shall review the application and shall request submittal of all additional information the department or the water management district is permitted by law to require. If the applicant believes any request for additional information is not authorized by law or rule, the applicant may request a hearing pursuant to s. 120.57. Within 30 days after receipt of such additional information, the department or the water management district shall review it and may request only that information needed to clarify such additional information or to answer new questions raised by or directly related to such additional information. If the applicant believes the request of the department or the water management district for such additional information is not authorized by law or rule, the department or the water management district, at the applicant's request, shall proceed to process the permit application.

(2) A permit shall be approved or denied within 90 days after receipt of the original application, the last item of timely requested additional material, or the applicant's written request to begin processing the permit application.

Section 4. Paragraph (d) is added to subsection (5) of section 373.4145, Florida Statutes, 1994 Supplement, to read:

373.4145 Interim part IV permitting program for the Northwest Florida Water Management District.—

(5) Within the geographical jurisdiction of the Northwest Florida Water Management District, the methodology for determining the landward extent of surface waters of the state under chapter 403 in effect prior to the effective date of the methodology ratified in s. 373.4211 shall apply to:

(d) *Applications for activities permitted under the rules adopted pursuant to ss. 403.91-403.929, 1984 Supplement to the 1983 Florida Statutes, as amended, which were pending on June 15, 1994, unless the applicant elects to have applied the delineation methodology as ratified in s. 373.4211.*

Section 5. Section 373.428, Florida Statutes, is created to read:

373.428 Federal consistency.—When an activity regulated under this part is subject to federal consistency review under s. 380.23, the final agency action on a permit application submitted under this part shall constitute the state's determination as to whether the activity is consistent with the federally approved Florida Coastal Management Program. Agencies with authority to review and comment on such activity pursuant to the Florida Coastal Management Program shall review such activity for consistency with only those statutes and rules incorporated into the Florida Coastal Management Program and implemented by that agency. An agency which submits a determination of inconsistency to the permitting agency shall be an indispensable party to any administrative or judicial proceeding in which such determination is an issue, shall be responsible for defending its determination in such proceedings, and shall be liable for any damages, costs, and attorneys' fees should any be awarded in an appropriate action as a consequence of such determination.

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 water resources; amending s. 373.019, F.S.; deleting certain obsolete language; amending s. 373.414, F.S.; clarifying a provision relating to certain declaratory statements; amending s. 373.4141, F.S.; providing procedures and timeframes for approval of certain permits; amending s. 373.4145, F.S.; clarifying that certain permits submitted in the Northwest Florida Water Management District are subject to the same grandfathering provisions which apply to the other water management districts; creating s. 373.428, F.S.; providing that certain permitted activities are subject to federal consistency review regarding the Florida Coastal Zone Management Program; providing an effective date.

On motion by Senator Brown-Waite, the rules were waived to allow the following amendment to be considered:

Senator Brown-Waite moved the following amendment to **Amendment 1** which was adopted:

**Amendment 1A (with Title Amendment)**—On page 6, before line 1, insert:

Section 5. Section 403.707, Florida Statutes, 1994 Supplement, is amended to read:

403.707 Permits.—

(1) A ~~no~~ solid waste management facility may *not* be operated, maintained, constructed, expanded, modified, or closed without an appropriate and currently valid permit issued by the department. ~~Effective October 1, 1980,~~ Solid waste construction permits issued under this section may include any permit conditions necessary to achieve compliance with the recycling requirements of this act. The department shall pursue reasonable timeframes for closure and construction requirements, considering pending federal requirements and implementation costs to the permittee. The department shall adopt a rule establishing performance standards for construction and closure of solid waste management facilities. The standards ~~must shall~~ allow flexibility in design and consideration for site-specific characteristics.

(2) Except as provided in s. 403.722(6), a ~~no~~ permit is *not required* under this section ~~is required~~ for the following, *if provided* no public nuisance or any condition adversely affecting the environment or public health is created and the activity does not violate other state or local laws, ordinances, rules, regulations, or orders:

(a) Disposal by persons of solid waste resulting from their own activities on their own property, *if the provided* such waste is either from their residential property or is rocks, soils, trees, tree remains, and other vegetative matter ~~that which~~ normally result from land development operations.

(b) Storage in containers by persons of solid waste resulting from their own activities on their property, leased or rented property, or property subject to a homeowners or maintenance association for which the person contributes association assessments, if the solid waste in such containers is collected at least once a week.

(c) Disposal by persons of solid waste resulting from their own activities on their property, *if provided* the environmental effects of such disposal on groundwater and surface waters are:

1. Addressed or authorized by a site certification order issued under part II of this chapter or a permit issued by the department pursuant to this chapter or rules adopted pursuant thereto; or

2. Addressed or authorized by, or exempted from the requirement to obtain, a groundwater monitoring plan approved by the department.

(d) ~~Solid waste disposal areas limited solely to the disposal of construction and demolition debris, provided that all such areas must be covered, graded, and vegetated as necessary when disposal is completed. For situations where the department determines that additional regulation of offsite disposal is appropriate, the department shall, by December 31, 1988, initiate rulemaking to provide for a general permit pursuant to s. 403.814 for disposal of construction and demolition debris for offsite disposal areas. The department shall not require the applicant to publish the notice described in s. 403.814(3). The exemption under this paragraph is superseded by such general permit 90 days after implementing rules become effective, and shall remain superseded so long as these rules remain in effect. The department is authorized to delegate its authority under this paragraph to local governments where appropriate. Such general permit shall include, at a minimum, the following requirements:~~

1. ~~Public access to the disposal site is controlled through fencing or other appropriate means until the site is closed as provided for in subparagraph 4.~~

2. ~~Provisions must be made for proper disposal of solid waste which is not construction and demolition debris.~~

3. ~~The department must have been advised of the location of the site and must have been given permission to inspect the site during normal business hours.~~

4. ~~Provisions must be made for final cover, grading, and vegetation to prevent erosion.~~

(d)(e) Disposal by persons of solid waste resulting from their own activities on their own property, provided that such disposal occurred prior to October 1, 1988.

(e)(f) Disposal of solid waste resulting from normal farming operations as defined by department rule. Polyethylene agricultural plastic, damaged, nonsalvageable, untreated wood pallets, and packing material that cannot be feasibly recycled, which are used in connection with agricultural operations related to the growing, harvesting, or maintenance of crops, may be disposed of by open burning, *if provided that* no public nuisance or any condition adversely affecting the environment or the public health is created thereby and *that* state or federal ambient air quality standards are not violated.

~~(g) The use of clean debris as fill material in any area. However, this paragraph does not exempt any person from obtaining a dredge and fill permit from the department, nor does it affect a person's responsibility to dispose of clean debris in permitted areas if it is not to be used as fill material.~~

(f)(h) Compost operations that produce less than 50 cubic yards of compost per year when the compost produced is used on the property where the compost operation is located.

(3) All applicable provisions of ss. 403.087 and 403.088, relating to permits, apply to the control of solid waste management facilities.

(4) When application for a construction permit for a Class I or Class II solid waste disposal area, or a construction and demolition debris disposal area, is made, ~~it is the duty of the department shall to provide~~ a copy of the application, within 7 days after filing, to the water management district *and to the county* having jurisdiction where the area is to be located. The water management district *and the county* may prepare an advisory reports report as to the impact on water and other resources. *These reports must* ~~This report shall~~ contain the district's and county's recommendations as to the disposition of the application and shall be submitted to the department no later than 30 days prior to the deadline for final agency action by the department. However, the failure of the department, or the water management district, or the county to comply with the provisions of this subsection *may shall* not be the basis for the denial, revocation, or remand of any permit or order issued by the department.

(5) The department may not issue a construction permit pursuant to this part for a new solid waste landfill within 3,000 feet of Class I surface waters.

(6) The department may issue a construction permit pursuant to this part only to a solid waste management facility that provides the conditions necessary to control the safe movement of wastes or waste constituents into surface or ground waters or the atmosphere and that will be operated, maintained, and closed by qualified and properly trained personnel. Such facility must, if necessary:

(a) Use natural or artificial barriers *that which* are capable of controlling lateral or vertical movement of wastes or waste constituents into surface or ground waters.

(b) Have a foundation or base that is capable of providing support for structures and waste deposits and capable of preventing foundation or base failure due to settlement, compression, or uplift.

(c) Provide for the most economically feasible, cost-effective, and environmentally safe control of leachate, gas, stormwater, and disease vectors and prevent the endangerment of public health and the environment.

Open fires, air-curtain incinerators, or trench burning may not be used as a means of disposal at a solid waste management facility, unless permitted by the department under s. 403.087.

(7) Prior to application for a construction permit, an applicant shall designate to the department temporary backup disposal areas or processes for the resource recovery facility. Failure to designate temporary backup disposal areas or processes shall result in a denial of the construction permit.

(8) Any person who transports biomedical waste within the state must register with the department prior to engaging in the transport of biomedical waste.

(9) The department may refuse to issue a permit to an applicant who by past conduct in this state has repeatedly violated pertinent statutes, rules, or orders or permit terms or conditions relating to any solid waste management facility and who is deemed to be irresponsible as defined by

department rule. For the purposes of this subsection, an applicant includes the owner or operator of the facility, or if the owner or operator is a business entity, a parent of a subsidiary corporation, a partner, a corporate officer or director, or a stockholder holding more than 50 percent of the stock of the corporation.

(10) On the same day of filing with the department of an application for any construction or renovation permit for the treatment of biomedical waste, other than a general permit, which the department may require by rule, the applicant shall notify each city and county within 1 mile of the facility of the filing of the application and shall publish notice of the filing of the application. The applicant shall publish a second notice of the filing within 14 days after the date of filing. Each notice shall be published in a newspaper of general circulation in the county in which the facility is located or is proposed to be located. Notwithstanding the provisions of chapter 50, for purposes of this section, a "newspaper of general circulation" means ~~shall be~~ the newspaper within the county in which the installation or facility is proposed, which has the largest daily circulation in that county, and has its principal office in that county. If the newspaper with the largest daily circulation has its principal office outside the county, the notice ~~shall~~ appear in both the newspaper with the largest daily circulation in that county, and a newspaper authorized to publish legal notices in that county. The notice ~~must shall~~ contain:

(a) The name of the applicant and a brief description of the facility and its location.

(b) The location of the application file and when it is available for public inspection.

The notice shall be prepared by the applicant and ~~must shall~~ comply with the following format:

#### Notice of Application

The Department of Environmental Protection announces receipt of an application for a permit from (name of applicant) to (brief description of project). This proposed project will be located at (location) in (county) (city)

This application is being processed and is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at (name and address of office).

(11) A permit, other than a general permit, which the department may require by rule, for the treatment of biomedical waste, may not be transferred by the permittee to any other entity, except in conformity with the requirements of this subsection.

(a) Within 30 days after the sale or legal transfer of a permitted facility, the permittee shall file with the department an application for transfer of the permits on such form as the department ~~establishes shall establish~~ by rule. The form must be completed with the notarized signatures of both the transferring permittee and the proposed permittee.

(b) The department shall approve the transfer of a permit unless it determines that the proposed permittee has not provided reasonable assurances that the proposed permittee has the administrative, technical, and financial capability to properly satisfy the requirements and conditions of the permit, as determined by department rule. The determination ~~is shall be~~ limited solely to the ability of the proposed permittee to comply with the conditions of the existing permit, and it ~~does shall~~ not concern the adequacy of the permit conditions. If the department proposes to deny the transfer, it shall provide both the transferring permittee and the proposed permittee a written objection to such transfer together with notice of a right to request a proceeding on such determination under chapter 120.

(c) Within 90 days after receiving a properly completed application for transfer of a permit, the department shall issue a final determination. The department may toll the time for making a determination on the transfer by notifying both the transferring permittee and the proposed permittee that additional information is required to adequately review the transfer request. Such notification shall be provided within 30 days after receipt of an application for transfer of the permit, completed pursuant to paragraph (a). If the department fails to take action to approve or deny the transfer within 90 days after receipt of the completed application or within 90 days after receipt of the last item of timely requested additional information, the transfer ~~is shall be~~ deemed approved.

(d) The transferring permittee is encouraged to apply for a permit transfer well in advance of the sale or legal transfer of a permitted facility. However, the transfer of the permit is ~~shall not be~~ effective prior to the sale or legal transfer of the facility.

(e) Until the transfer of the permit is approved by the department, the transferring permittee and any other person constructing, operating, or maintaining the permitted facility is ~~shall be~~ liable for compliance with the terms of the permit. ~~Nothing in~~ This section does not ~~shall~~ relieve the transferring permittee of liability for corrective actions that may be required as a result of any violations occurring prior to the legal transfer of the permit.

(12) The department shall review all permit applications for any designated Class I solid waste disposal facility. As used in this subsection, the term "designated Class I solid waste disposal facility" means any facility that is, as of May 12, 1993, a solid waste disposal facility classified as an active Class I landfill by the department, that is located in whole or in part within 1,000 feet of the boundary of any municipality, but that is not located within any county with an approved charter or consolidated municipal government, is not located within any municipality, and is not operated by a municipality. The department ~~may shall~~ not permit vertical expansion or horizontal expansion of any designated Class I solid waste disposal facility unless the application for such permit was filed before January 1, 1993, and a ~~no~~ solid waste management facility may not be operated if it ~~which~~ is a vertical expansion or horizontal expansion of a designated Class I solid waste disposal facility. As used in this subsection, the term "vertical expansion" means any activity that will result in an increase in the height of a designated Class I solid waste disposal facility above 100 feet National Geodetic Vertical Datum, except solely for closure, and the term "horizontal expansion" means any activity that will result in an increase in the ground area covered by a designated Class I solid waste disposal facility, or if within 1 mile of a designated Class I solid waste disposal facility, any new or expanded operation of any solid waste disposal facility or area, or of incineration of solid waste, or of storage of solid waste for more than 1 year, or of composting of solid waste other than yard trash.

(13) *The department shall establish a separate category for solid waste management facilities that accept only construction and demolition debris or only construction and demolition debris and yard trash for disposal. The department shall not require such facilities to have liners or leachate collection systems unless it determines, on a case-by-case basis, that such features are necessary to protect the public health and the environment due to site-specific considerations. The requirements of this subsection apply to all facilities for which no completed notification of intent to use a general permit for a construction and demolition debris disposal facility was submitted to the department by April 1, 1995, or for facilities that had not commenced accepting waste by April 1, 1995. Facilities that have been closed due to department-enforcement action are subject to these new requirements upon reopening. All other facilities must comply with this subsection at the time of permit renewal. However, solid waste disposal units for which construction was begun prior to the effective date of this subsection shall not be required to be retrofit with liners or leachate control systems.*

(a) *The department shall not require liners and leachate collection systems at individual facilities unless one or more of the following conditions is present:*

1. *The disposal site will be in any area where the absence of geological formations or subsurface features would allow for the unimpeded discharge of waste or leachate to ground or surface water;*

2. *The disposal area will be within 200 feet of any natural or artificial body of water, including wetlands within the jurisdiction of the department, except bodies of water contained completely within the property boundaries of the disposal site, which do not discharge from the site to surface waters;*

3. *The planned size and final elevation of the disposal area is so great, and the amount of leachate discharge predicted is so large, that the facility can reasonably be expected to cause a violation of groundwater or surfacewater standards; and*

4. *The owner or operator of the site has a history of violations of department rules which creates the reasonable expectation that prohibited waste may be disposed of at the proposed facility.*

(b) *The owner or operator shall provide financial assurance for closing of the facility in accordance with the requirements of s. 403.7125. However, unless the owner or operator of the facility is a local government, the escrow account described in s. 403.7125(3) shall not be used as a financial-assurance mechanism.*

(c) *The operator training requirements of s. 403.716 apply to such facilities, except that operators of such facilities must complete a training course no later than 1 year after the department establishes or approves such course.*

(d) *If the facility is constructed with a liner, the prohibition in s. 403.708(14)(c) on putting yard trash in a lined landfill does not apply.*

(e) *Except as otherwise specified in this section, applicants must comply with the department's general solid-waste-management-facility permit requirements, landfill permit requirements, general criteria for landfills, and prohibitions, and with the following specific conditions:*

1. *The application shall be signed and sealed by a professional engineer.*

2. *The application shall include a geotechnical investigation and a hydrogeologic investigation that comply with the criteria for Class I and II landfills.*

3. *The application shall include a closure plan.*

4. *Except as otherwise specified in this section, the department's construction, operation, and closure requirements for Class I and II landfills do not apply. If the facility is constructed with a liner and leachate collection system, the department may impose quality control and assurance, maintenance, leachate monitoring, and closure requirements necessary to assure the proper construction, operation, and maintenance of these systems.*

5. *Stormwater shall be controlled in accordance with department criteria for solid waste management facilities. A copy of any permit for stormwater control issued by the department or water management district, or documentation that no such permit is required, shall be submitted to the department before the facility receives waste for disposal.*

6. *The disposal facility shall have equipment for temporary storage and transport for incidental amounts of solid waste, other than construction and demolition debris, to a permitted disposal facility. Such solid waste that is accepted by the facility shall be segregated and disposed of in accordance with department rules.*

7. *Waste shall be compacted and sloped as necessary to assure that the requirements of subparagraph 10. can be met.*

8. *Access to the disposal facility shall be controlled during the active life of the facility by fencing or other effective barriers to prevent disposal of solid waste other than construction and demolition debris.*

9. *At least one operator shall be on duty at all times when the site is operating to inspect the incoming waste. Any prohibited material, including buckets or cans containing tar, paint, glue, or other liquids, shall be removed from the waste stream and placed into appropriate containers for disposal at a permitted facility.*

10. *Final cover and seeding or planting of vegetative cover shall be placed on each disposal unit within 180 days after final receipt of wastes. Final cover shall consist of a 24-inch-thick soil layer, the upper 6 inches of which shall be capable of supporting vegetation, and shall be graded to eliminate ponding, promote drainage, and minimize erosion. The side slopes of all above-grade disposal areas shall be no greater than 3 feet horizontal to 1 foot vertical rise.*

11. *The owner or operator shall certify to the department, within 30 days after closing, that the closure was completed in accordance with the closure plan.*

12. *The owner or operator of the facility may recover materials from the waste stream for purposes of recycling, provided that such recovery does not result in violation of this section. In such a case, a separate solid waste permit is not required.*

13. *The owner or operator of the facility shall include in the permit application a groundwater monitoring plan designed to detect contamination emanating from the facility. This plan shall be implemented and maintained during the active life of the facility and after closure until the site is stabilized.*

(f) *The issuance of a permit under this subsection does not obviate the need to comply with all applicable zoning and land-use regulations in effect at the time.*

(g) *The department shall provide for general permits for facilities that accept only clean debris, yard trash, or other vegetative materials for disposal. Such facilities shall comply with all the requirements of this section except for paragraphs (13)(b) and (c) and subparagraphs (13)(e)1., 2., and 13.*

(h) *The department shall ensure that the requirements of this subsection are applied and interpreted consistently throughout the state. In accordance with s. 20.255(6), the Division of Waste Management shall direct the district offices and bureaus on matters relating to the interpretation and applicability of this subsection.*

(i) *The department shall convene a technical advisory group comprised of representatives from the construction industry, academia, private construction and demolition debris facilities, local regulatory agencies, and the public to review the effectiveness of the provisions of this section by January 15, 1996, and shall provide a written report based upon that review to the Governor, the President of the Senate, and the Speaker of the House of Representatives.*

(Renumber subsequent section.)

And the title is amended as follows:

In title, on page 6, line 30, after the semicolon (;) insert: amending s. 403.707, F.S.; deleting an exemption from permit requirements provided for areas limited to the disposal of construction and demolition debris and clean debris used as fill material; requiring the Department of Environmental Protection to establish a separate category for issuing permits for solid waste management facilities that accept construction and demolition debris; requiring the department to provide copies of certain applications to the affected county; authorizing the department to require the operator of a facility to provide proof of financial responsibility; authorizing the department to require the operator to undergo training; providing for certain exceptions to the permit requirements; requiring the department to convene a technical advisory group and issue a report to the Legislature and the Governor;

Senator Rossin moved the following amendment to **Amendment 1** which was adopted:

**Amendment 1B (with Title Amendment)**—On page 6, strike line 1 and insert:

Section 6. Paragraph (a) of subsection (13) of section 373.59, Florida Statutes, 1994 Supplement, is amended to read:

373.59 Water Management Lands Trust Fund.—

(13)(a) Beginning in fiscal year 1992-1993, not more than one-fourth of the land management funds provided for in subsections (1) and (8) in any year shall be reserved annually by a governing board, during the development of its annual operating budget, for payment in lieu of taxes to qualifying counties for actual ad valorem tax losses incurred as a result of lands purchased with funds allocated pursuant to s. 259.101(3)(b). In addition, the Northwest Florida Water Management District, the South Florida Water Management District, the Southwest Florida Water Management District, the St. Johns River Water Management District, and the Suwannee River Water Management District shall pay to qualifying counties payments in lieu of taxes for district lands acquired with funds allocated pursuant to subsection (7). Reserved funds that are not used for payment in lieu of taxes in any year shall revert to the fund to be used for management purposes or land acquisition in accordance with this section.

Section 7. The amendment to section 373.59, Florida Statutes, by section 6 applies only to properties acquired after July 1, 1995.

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

And the title is amended as follows:

In title, on page 6, line 30, following the semicolon (;) insert: amending s. 373.59, F.S.; requiring all water management districts to make certain payments in lieu of taxes for district lands acquired with funds allocated from the Water Management Lands Trust Fund;

**Amendment 1** as amended was adopted.

On motion by Senator Bronson, by two-thirds vote **SB 1016** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37    Nays—None

**SB 1664**—A bill to be entitled An act relating to public records and open meetings; amending s. 627.351, F.S.; clarifying that the Florida Residential Property and Casualty Joint Underwriting Association is subject to the public records and open meetings law; providing an exemption from public inspection of open claims files and minutes of meetings of the association relating thereto; providing an exemption from the public meetings law for meetings related to open claims; providing a finding of public necessity; providing for future review; providing an effective date.

—was read the second time by title.

The Committee on Banking and Insurance recommended the following amendment which was moved by Senator Jones and adopted:

**Amendment 1 (with Title Amendment)**—On page 1, line 30, through page 3, line 2, strike all of said lines and insert:

2. *The Residential Property and Casualty Joint Underwriting Association is subject to the public records requirements of chapter 119 and the public meeting requirements of s. 286.011. However, the following records, minutes of meetings relating to the subject of such records, and any portion of a public meeting relating to the following matters are confidential and exempt from the provisions of s. 24, Art. I of the State Constitution, s. 119.07(1), and s. 286.011:*

a. *Underwriting files; provided however, a policyholder or applicant shall have access to their own underwriting file.*

b. *Open claims files, including records or meetings relating to compromise or evaluation of claims until the claims files are closed.*

c. *Reports of internal auditors and internal audit investigative information while open. Once the internal audit investigation is closed, such reports and investigative information are subject to disclosure.*

d. *Matters reasonably encompassed in privileged attorney-client communications.*

e. *Proprietary information licensed to the association under contract.*

f. *Any record or information relating to employees of the association which, if the employees were to be treated as state employees, would be confidential and exempt from the provisions of s. 119.07(1) pursuant to exemptions contained in ss. 110.1091, 110.123(9), and 119.07 or other state law.*

g. *Information relating to ongoing negotiations for financing, reinsurance, depopulation or contractual services. However, such information shall be deemed public information when negotiations are concluded.*

*When an authorized insurer is considering underwriting a risk currently insured by the association, relevant underwriting files and claims files may be released to the insurer if the insurer, under oath, promises to maintain the confidentiality of the files, and may be transferred to such insurer upon assumption of such risks. When a file is transferred to an insurer because the insurer has underwritten the risk, the file is no longer a public record for the purpose of chapter 119. Underwriting files and claims files may also be released to the market assistance plan established under s. 627.3515 which shall protect the files as privileged and confidential but may share the files with authorized insurers which are considering underwriting the risks to which the files apply. If an authorized insurer underwrites such a risk the file may be transferred by the market assistance plan to the insurer. The association or the market assistance plan will reasonably make any of the following information obtained from association underwriting files and claims files available to licensed general lines insurance agents: name, address, and telephone number of the residential property owner or insured, the location of the risk, rating information, loss history, and policy type. The exemption created by this subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.14.*

Section 2. The Legislature finds that it is a public necessity that the records and meetings of the Residential Property and Casualty Joint Underwriting Association, which records and meetings include personal and private identifying information about persons insured by the association, claims negotiation and settlement strategies, and proprietary information be held confidential and exempt from the public records and open meeting law. With respect to claims information, if such records and meetings were not exempt, claimants would have unfettered access to such information as evidence, negotiation strategies, and claim evaluation and settlement considerations, with the result that the amount of the awards and settlements paid out by the association and ultimately the consumer would increase dramatically; in addition, disclosure of both underwriting files and claims files would include disclosure of personal identifying information about claimants and insureds in which claimants and insureds have a reasonable expectation of privacy, including social security numbers and personal financial and medical information.

(Renumber subsequent section.)

And the title is amended as follows:

In title, on page 1, strike all of lines 3-14 and insert: meetings; amending s. 627.351, F.S.; applying public records and open meetings requirements to the Residential Property and Casualty Joint Underwriting Association, providing exemptions from such requirements; providing for future review and repeal; providing legislative findings; providing an effective date.

On motion by Senator Jones, by two-thirds vote **SB 1664** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39 Nays—None

On motion by Senator Ostalkiewicz, by two-thirds vote **CS for HB 1249** was withdrawn from the Committee on Natural Resources.

On motion by Senator Ostalkiewicz, by two-thirds vote—

**CS for HB 1249**—A bill to be entitled An act relating to the Geneva Freshwater Lens; creating the "Geneva Freshwater Lens Protection Act"; providing legislative findings; requiring the St. Johns River Water Management District to establish the boundaries of the Geneva Freshwater Lens recharge area; directing certain agencies to implement certain recommendations of the Geneva Freshwater Lens Task Force by certain times; providing an effective date.

—a companion measure, was substituted for **SB 1944** and by two-thirds vote read the second time by title. On motion by Senator Ostalkiewicz, by two-thirds vote **CS for HB 1249** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

On motion by Senator Dyer, by two-thirds vote **HB 2413** was withdrawn from the Committees on Governmental Reform and Oversight; and Ways and Means.

On motion by Senator Dyer, by two-thirds vote—

**HB 2413**—A bill to be entitled An act relating to athletic trainers; revising part XIV of chapter 468, F.S., relating to the regulation of athletic trainers; amending s. 468.70, F.S.; revising legislative findings and intent; amending and renumbering s. 468.71, F.S.; revising and providing definitions; creating s. 468.703, F.S.; creating the Council of Athletic Training and providing its duties; providing for appointment of members, establishment of terms, and compensation and reimbursement for expenses; amending and renumbering s. 468.73, F.S.; revising rulemaking authority; creating s. 468.707, F.S.; requiring licensure of athletic trainers and providing qualifications and requirements therefor; creating s. 468.709, F.S.; providing fees; creating s. 468.711, F.S.; providing for license renewal and continuing education, creating s. 468.713, F.S.; providing responsibilities of athletic trainers; creating s. 468.715, F.S.; prohibiting sexual misconduct in the practice of athletic training; creating s. 468.717, F.S.; specifying violations and providing penalties therefor; creating s. 468.719, F.S.; providing disciplinary actions and the grounds therefor; creating s. 468.721, F.S.; providing a saving clause for registered athletic trainers; amending and renumbering s. 468.75, F.S.; revising and

providing exemptions to the part; repealing ss. 468.72 and 468.74, F.S., relating to athletic trainer registration and the Athletic Training Regulatory Task Force; amending s. 232.435, F.S., relating to teacher athletic trainers, to clarify exemption from licensure requirements; amending s. 455.2228, F.S.; requiring instruction on human immunodeficiency virus and acquired immune deficiency syndrome as a part of biennial relicensure; providing an appropriation; providing an effective date.

—a companion measure, was substituted for **CS for SB 2214** and by two-thirds vote read the second time by title. On motion by Senator Dyer, by two-thirds vote **HB 2413** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—1

On motion by Senator Williams, by two-thirds vote **HB 325** was withdrawn from the Committees on Agriculture; and Ways and Means.

On motion by Senator Williams—

**HB 325**—A bill to be entitled An act relating to citrus; amending s. 601.15, F.S.; providing for future increased crops; revising tax schedules for fresh grapefruit, processed grapefruit, fresh oranges, processed oranges, and fresh tangerine and citrus hybrid fruit; providing that processed tangerine and citrus hybrid fruit be taxed at the same rate as processed oranges; deleting a provision which provides for specific segregation of funds in the Citrus Advertising Trust Fund; repealing s. 601.156, F.S., relating to an additional excise tax of 2 cents per box upon each box of oranges sold or delivered for processing and segregation of such funds in the Citrus Advertising Trust Fund; providing an effective date.

—a companion measure, was substituted for **SB 1032** and read the second time by title. On motion by Senator Williams, by two-thirds vote **HB 325** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—1

On motion by Senator Forman, by two-thirds vote **HB 2195** was withdrawn from the Committee on Governmental Reform and Oversight.

On motion by Senator Forman—

**HB 2195**—A bill to be entitled An act relating to wrecked cotton and lumber adrift; repealing chapter 706, F.S., which relates to the duties of persons with respect to cotton afloat in rivers, lost lumber, and related issues; providing an effective date.

—a companion measure, was substituted for **SB 2756** and read the second time by title. On motion by Senator Forman, by two-thirds vote **HB 2195** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

On motion by Senator Harden, by two-thirds vote **CS for HB 1323** was withdrawn from the Committee on Banking and Insurance.

On motion by Senator Harden, by two-thirds vote—

**CS for HB 1323**—A bill to be entitled An act relating to firesafety; amending s. 213.053, F.S.; providing confidentiality to subpoenas issued by the State Fire Marshal; amending s. 553.79, F.S.; authorizing certain contractors to design described fire sprinkler systems; amending s. 553.895, F.S.; providing an exemption from sprinkler requirements for certain parking garages, creating s. 627.0654, F.S.; providing for insurance premium discounts for buildings with fire sprinklers; amending ss. 633.01, 633.021, 633.025, and 633.161, F.S.; deleting obsolete cross references and clarifying language; revising the definition of certain contractors to provide that such contractors may design described fire sprinkler systems; amending s. 633.022, F.S.; requiring the Department of Insurance to establish firesafety standards for motion picture and television special effects operations; deleting an obsolete cross reference; amending s. 633.052, F.S.; authorizing certain counties and municipalities to enforce firesafety code violations under certain circumstances; amending s. 633.061, F.S.; revising the requirements for engaging in the business of servicing, inspecting, and installing fire extinguishers and systems; clari-

fyng language; amending s. 633.081, F.S.; requiring firefighters to be supervised by firesafety inspectors when performing inservice inspections; amending s. 633.085, F.S.; deleting a requirement for annual inspection by the State Fire Marshal for state-leased space in lieu of plans review; amending s. 633.111, F.S.; deleting a provision concerning hearings for release of active investigative information; amending s. 633.175, F.S.; excluding certain investigators employed by an insurance company or employed by the National Insurance Crime Bureau from liability for damages for furnishing certain information concerning fires suspected to be other than accidental under certain circumstances, amending s. 633.35, F.S.; clarifying training requirements for firefighter certification; creating s. 633.352, F.S.; providing examination requirements for maintaining firefighter certification; amending s. 633.382, F.S.; clarifying a definition; revising provisions specifying qualifications for supplemental compensation; amending s. 633.44, F.S.; clarifying the purposes of the Florida State Fire College; amending s. 633.537, F.S.; prohibiting renewal of a certificate of competency unless the certificateholder produces certain evidence of continuing education; amending s. 633.541, F.S.; prohibiting persons from performing certain acts without a certificate; providing limitations on the use of certificates to qualify an organization; requiring the certificateholder to be a full-time employee of the qualified company; requiring a contractor to employ a certificateholder at each business location; providing exceptions for governmental employees; prohibiting a contractor from allowing uncertified contractors to act as contractors; prohibiting certain acts with respect to construction permits; providing criminal and administrative penalties; repealing s. 633.351(3), F.S., relating to maintenance of certification as a firefighter; providing an effective date.

—a companion measure, was substituted for **SB 2204** and by two-thirds vote read the second time by title. On motion by Senator Harden, by two-thirds vote **CS for HB 1323** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39      Nays—None

On motion by Senator Weinstein, by two-thirds vote **CS for HB 1375** was withdrawn from the Committee on Governmental Reform and Oversight.

On motion by Senator Weinstein, by two-thirds vote—

**CS for HB 1375**—A bill to be entitled An act relating to motor vehicle leasing; creating the “Motor Vehicle Lease Disclosure Act”; providing that the act does not supersede other specified laws or rules; providing definitions; requiring that a retail lessor of a motor vehicle make certain disclosures to the lessee; requiring the lease agreement to include a form that contains specified information with respect to the cost of the transaction; requiring a trade-in vehicle to be identified in the lease agreement; providing civil remedies; providing an effective date.

—a companion measure, was substituted for **CS for SB 778** and by two-thirds vote read the second time by title. On motion by Senator Weinstein, by two-thirds vote **CS for HB 1375** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38      Nays—None

**CS for SB 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.

—was read the second time by title.

One amendment was adopted to **CS for SB 2810** to conform the bill to **CS for HB's 491 and 791**.

Pending further consideration of **CS for SB 2810** as amended, on motion by Senator Silver, by two-thirds vote **CS for HB's 491 and 791** was withdrawn from the Committee on Governmental Reform and Oversight.

On motions by Senator Silver, the rules were waived and by two-thirds vote—

**CS for HB's 491 and 791**—A bill to be entitled An act relating to criminal justice standards and training; amending s. 943.13, F.S.; providing that the affidavit-of-applicant form be retained by the employing agency; amending s. 943.133, F.S.; requiring applicant information for a background investigation; amending s. 943.1395, F.S., relating to investigation of complaints and disciplinary action with respect thereto; prescribing guidelines and time limits for completion of investigations; providing for review of disciplinary penalties under specified circumstances; amending s. 943.1397, F.S., relating to officer certification examinations and fees; authorizing the Criminal Justice Standards and Training Commission to establish procedures relating to student examination reviews and remedial training program requirements; amending s. 943.14, F.S.; providing for renaming of the Criminal Justice Training Trust Fund as the Criminal Justice Standards and Training Trust Fund; amending s. 943.17, F.S.; authorizing changes to commission-approved curricula; amending s. 943.1701, F.S.; providing that the commission, rather than the Department of Law Enforcement, shall develop domestic violence training policy; amending s. 943.173, F.S.; providing for supervision of examinations; amending s. 943.25, F.S.; providing for renaming of the training trust fund and reestablishing the use of training trust fund moneys; amending s. 401.435, F.S., relating to the emergency medical services first responder training course; providing an exemption from training; amending s. 943.10, F.S.; redefining “officer” and defining “parole law enforcement officer”; amending s. 947.04, F.S.; authorizing the Parole Commission to designate employees who are certified as parole law enforcement officers; amending s. 316.193, F.S., relating to driving under the influence; providing for the deposit of a portion of certain fines into the Criminal Justice Standards and Training Trust Fund; terminating the Administrative Trust Fund of the Department of Law Enforcement and providing for transfer of funds thereof to the Criminal Justice Standards and Training Trust Fund; providing an effective date.

—a companion measure, was substituted for **CS for SB 2810** and by two-thirds vote read the second time by title.

Senator Silver moved the following amendment which was adopted:

**Amendment 1**—On page 15, line 11, through page 16, line 30, strike all of said lines and renumber subsequent sections.

And the title is amended as follows

In title, on page 2, strike all of lines 6-11 and insert: amending s. 316.193, F.S., relating

On motion by Senator Silver, by two-thirds vote **CS for HB's 491 and 791** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39      Nays—None

**SB 1636**—A bill to be entitled An act relating to the confidentiality of certain records of the H. Lee Moffitt Cancer Center and Research Institute; reenacting and amending s. 240.512(2)(d), F.S., which provides an exemption from public records requirements for such records; saving the exemption from repeal; providing a statement of necessity; providing an effective date.

—was read the second time by title.

The Committee on Higher Education recommended the following amendment which was moved by Senator Grant:

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

Section 1. Paragraph (d) of subsection (2) of section 240.512, Florida Statutes, is amended, and subsections (8) and (9) are added to that section, to read:

240.512 H. Lee Moffitt Cancer Center and Research Institute.—There is established the H. Lee Moffitt Cancer Center and Research Institute at the University of South Florida.

(2) The Board of Regents shall provide in the agreement with the not-for-profit corporation for the following:

(d) Preparation of an annual postaudit of the not-for-profit corporation's financial accounts and the financial accounts of any subsidiaries to be conducted by an independent certified public accountant. The annual audit report shall include management letters and shall be submitted to the Auditor General and the Board of Regents for review. The Board of Regents and the Auditor General shall have the authority to require and receive from the not-for-profit corporation and any subsidiaries or from their independent auditor any detail or supplemental data relative to the operation of the not-for-profit corporation or subsidiary. ~~The identity of donors who desire to remain anonymous shall be protected, and that anonymity shall be maintained in the auditor's report. All records of the not-for-profit corporation and its subsidiaries, other than the auditor's report, management letters, and supplemental data requested by the Board of Regents and the Auditor General, shall be confidential and exempt from the provisions of s. 119.07(1). This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.~~

(8)(a) Records of the not-for-profit corporation and of its subsidiaries are public records unless made confidential or exempt by law.

(b) Proprietary confidential business information shall be confidential and exempt from the provisions of s. 119.07(1), and Section 24(a), Article I of the State Constitution. However, the Auditor General and Board of Regents, pursuant to their oversight and auditing functions, must be given access to all proprietary confidential business information upon request and without subpoena and must maintain the confidentiality of information so received. As used herein, the term "proprietary confidential business information" means information, regardless of its form or characteristics, which is owned or controlled by the not-for-profit corporation or its subsidiaries; is intended to be and is treated by the not-for-profit corporation or its subsidiaries as private and the disclosure of which would harm the business operations of the not-for-profit corporation or its subsidiaries; has not been intentionally disclosed by the corporation or its subsidiaries unless pursuant to law, an order of a court or administrative body, a legislative proceeding pursuant to Section 5 of Article III of the State Constitution, or a private agreement which provides that the information may be released to the public; and which is information concerning:

1. Internal auditing controls and reports of internal auditors;
2. Matters reasonably encompassed in privileged attorney-client communications;
3. Contracts for managed-care arrangements, as managed care is defined in s. 408.701, including preferred-provider-organization contracts, health-maintenance-organization contracts, and exclusive-provider-organization contracts, and any documents directly relating to the negotiation, performance, and implementation of any such contracts for managed-care arrangements;
4. Bids or other contractual data, banking records, and credit agreements the disclosure of which would impair the efforts of the not-for-profit corporation or its subsidiaries to contract for goods or services on favorable terms;
5. Information relating to private contractual data, the disclosure of which would impair the competitive interest of the provider of the information;
6. Corporate officer and employee personnel information;
7. Information relating to the proceedings and records of credentialing panels and committees and the governing board of the not-for-profit corporation or its subsidiaries relating thereto;
8. Information that reveals plans for marketing services that the corporation or its subsidiary reasonably expects to be provided by competitors;
9. Trade secrets as defined in s. 688.002, including reimbursement methodologies or rates; or
10. The identity of donors or prospective donors, of property who wish to remain anonymous or any information identifying such donors or prospective donors and that anonymity must be maintained in the auditor's report.

The exemptions from s. 119.07(1) and Section 24(a), Article I of the State Constitution provided in this subsection are subject to the Open Government Sunset Review Act in accordance with section 119.14, Florida Statutes.

(9) Meetings of the governing board of the not-for-profit corporation at which the expenditure of dollars appropriated to the not-for-profit corporation by the state are discussed or reported shall be open to the public in accordance with s. 286.011 and s. 24(b), Article I of the State Constitution, unless made confidential or exempt by law. Other meetings of the governing board of the not-for-profit corporation and all meetings of the subsidiaries of the not-for-profit corporation shall be exempt from the provisions of s. 286.011 and s. 24(b), Article I of the State Constitution. The exemptions provided herein are subject to the Open Government Sunset Review Act in accordance with s. 119.14.

Section 2. (a) The Legislature finds that the state has made a substantial investment of public funds in the not-for-profit corporation known as the H. Lee Moffitt Cancer Center. Because of the high incidence of cancer in this state, the Legislature recognizes the need for the citizens of this state to have access to the services provided by the not-for-profit corporation or its subsidiaries and it further recognizes the need for the not-for-profit corporation to fulfill its mission in cancer research and teaching. It is also the intent of the Legislature that the not-for-profit corporation or its subsidiaries not be at a disadvantage in a competitive healthcare environment. It is further the intent of the Legislature that the not-for-profit corporation and its subsidiaries have the freedom to act in all regards as a private not-for-profit corporation.

(b) The Legislature, therefore, finds that it is a public necessity that certain records of the not-for-profit corporation or its subsidiaries which contain proprietary confidential business information regarding internal policies or operations, attorney-client communications, contracts and contract negotiation, personnel information, marketing and strategic plans, trade secrets, and donor information be held confidential and exempt from disclosure. These exemptions are necessary because these records contain information which, if disclosed, would adversely impact the not-for-profit corporation or its subsidiaries in the competitive health care environment. Disclosure of such information would place the not-for-profit corporation or its subsidiaries on an unequal footing in the marketplace as compared with private healthcare providers that are not required to disclose such confidential information. It is, likewise, a public necessity that the meetings of the governing board of the not-for-profit corporation at which the expenditure of public dollars appropriated by the Legislature are discussed or reported be open to the public. It is no less a public necessity that other meetings of the governing board of the not-for-profit corporations and all meetings of the governing boards of subsidiaries be closed in order to protect the competitive interest of the not-for-profit corporation or its subsidiaries and to guarantee the ability of the not-for-profit corporation to fulfill its cancer research and teaching mission for the benefit of the citizens of this state.

Section 3. This act shall take effect October 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 the confidentiality of information concerning the H. Lee Moffitt Cancer Center and Research Institute and its subsidiary corporations; amending s. 240.512, F.S.; exempting proprietary business information from s. 119.07(1), F.S., and from s. 24(a), Art. I of the State Constitution; exempting from s. 286.011, F.S., meetings of the governing board of the not-for-profit corporation and its subsidiaries; revising provisions relating to confidentiality of donors' identities and certain other proprietary confidential business information; providing an effective date.

Senator Kirkpatrick moved the following amendment to **Amendment 1**:

**Amendment 1A (with Title Amendment)**—On page 2, strike all of lines 28 and 29 and insert:

Section 3. Effective July 1, 1995, section 240.253, Florida Statutes, is amended to read:

240.253 Personnel records.—

(1) ~~Each~~ The university shall ~~may~~ adopt rules prescribing ~~prescribe~~ the content and custody of limited-access ~~limited-access~~ records that ~~which~~ the university may maintain on its employees. *Such limited-access records are confidential and exempt from the provisions of s. 119.07(1). Such records are limited to the following:*

(a) Records containing information reflecting academic evaluations of employee performance and shall be open to inspection only by the employee and by officials of the university responsible for supervision of the employee.

(b) Records maintained for the purposes of any investigation of employee misconduct, including but not limited to a complaint against an employee and all information obtained pursuant to the investigation of such complaint, shall be confidential until the investigation ceases to be active or until the university provides written notice to the employee who is the subject of the complaint that the university has either:

1. Concluded the investigation with a finding not to proceed with disciplinary action;
2. Concluded the investigation with a finding to proceed with disciplinary action; or
3. Has issued a letter of discipline.

For the purpose of this paragraph, an investigation shall be considered active as long as it is continuing with a reasonable, good faith anticipation that a finding will be made in the foreseeable future. An investigation shall be presumed to be inactive if no finding is made within 90 days after the complaint is filed.

(c) Records maintained for the purposes of any disciplinary proceeding brought against an employee shall be confidential until a final decision is made in the proceeding. The record of any disciplinary proceeding, including any evidence presented, shall be open to inspection by the employee at all times.

(d) Records maintained for the purposes of any grievance proceeding brought by an employee for enforcement of a collective bargaining agreement or contract shall be confidential and shall be open to inspection only by the employee and by officials of the university conducting the grievance proceeding until a final decision is made in the proceeding.

~~Such records shall be limited to information reflecting evaluations of employee performance and shall be open to inspection only by the employee and by officials of the university who are responsible for supervision of the employee. Such limited access employee records are confidential and exempt from the provisions of s. 119.07(1).~~

(2) Notwithstanding the foregoing, any records or portions thereof which are otherwise confidential by law shall continue to be exempt from the provisions of s. 119.07(1). In addition, for sexual harassment investigations, portions of such records which identify the complainant, a witness, or information which could reasonably lead to the identification of the complainant or a witness are limited-access records.

(3) Except as required for use by the president in the discharge of his official responsibilities, the custodian of limited-access ~~limited-access~~ employee records may release information from such records only upon authorization in writing from the employee or upon order of a court of competent jurisdiction. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

(4) Notwithstanding the provisions of subsection (1), records comprising the common core items contained in the State University System Student Assessment of Instruction instrument may not be prescribed as limited-access records.

(5) This act shall apply to records created after July 1, 1995.

Section 4. Except as otherwise provided in this act, this act shall take effect upon becoming a law.

And the title is amended as follows:

In title, on page 1, line 8, after the semicolon (;) insert: amending s. 240.253, F.S.; limiting university authority to prescribe the content of limited-access personnel records;

On motion by Senator Grant, further consideration of **SB 1636** with pending **Amendment 1A** was deferred.

## REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Monday, May 1, 1995: SB 1952, SB 848, SB 1438, CS for SB 2598, CS for SB 1942, SB 2462, SB 42, SB 878, SB 880, SB 882, SB 1636, SB 516, SB 2360, CS for SB 232, SB 674, CS for SB 2090, CS for SB 2810, CS for SB's 728 and 770, CS for SB 56, SB 682, CS for SB 2164, SB 1512, SB 126, SB 792, SB 46, SB 1016, SB 1664, SB 1944, CS for SB 2214, SB 1032, SB 2756, SB 2204, CS for SB 778

Respectfully submitted,  
Toni Jennings, Chairman

The Special Master on Claims recommends the following pass: CS for HB 455, CS for HB 481

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

The Committee on Ways and Means recommends the following pass: SB 6 with 1 amendment, CS for SB 196 with 1 amendment, SB 276 with 1 amendment, SB 318 with 1 amendment, CS for SB 494, CS for CS for SB 544 with 1 amendment, SB 632, CS for SB 734, CS for SB 764 with 2 amendments, SB 1350, CS for SB 1658 with 1 amendment, SB 1660 with 7 amendments, SB 1666 with 1 amendment, SB 1696 with 1 amendment, SB 1876 with 1 amendment, CS for SB 2140 with 5 amendments, CS for SB 2184 with 2 amendments, CS for SB 2216 with 6 amendments, SB 2236, SB 2296 with 2 amendments

**The bills were placed on the calendar.**

The Committee on Health Care recommends a committee substitute for the following: SB 1780

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

The Committee on Ways and Means recommends committee substitutes for the following: SB 952, SB 1772, SB 2086, SB 2422

**The bills with committee substitutes attached were placed on the calendar.**

## INTRODUCTION AND REFERENCE OF BILLS

### FIRST READING

**SB 3064**—Not referenced.

**SR 3066** was introduced out of order and adopted this day.

**SR 3068** was introduced out of order and adopted this day.

**SR 3070** was introduced out of order and adopted this day.

## COMMITTEE SUBSTITUTES

### FIRST READING

By the Committee on Ways and Means; and Senator Casas—

**CS for SB 952**—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.08, F.S.; exempting newspaper and magazine subscriptions sold by certain nonprofit organizations or schools for fundraising purposes from the tax; providing an effective date.

By the Committee on Ways and Means; and Senator Casas—

**CS for SB 1772**—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.08, F.S.; providing an exemption for replacement engines, parts, and equipment used in the repair or maintenance of certain aircraft; providing an effective date.

By the Committee on Health Care—

**CS for SB 1780**—A bill to be entitled An act relating to the regulation of health care facilities; amending s. 20.42, F.S.; deleting the responsibility of the Division of Health Policy and Cost Control within the Agency for Health Care Administration for reviewing hospital budgets; abolishing the Health Care Board; amending s. 112.153, F.S.; updating a reference to reflect the abolishment of the Health Care Cost Containment Board and the transfer of its duties to the Agency for Health Care Administration; amending s. 154.205, F.S., relating to health facilities authorities; revising the definition of the term "certificate of need"; conforming references to reflect the transfer of responsibility for issuing certificates of need from the Department of Health and Rehabilitative Services to the Agency for Health Care Administration; amending s. 154.304, F.S., relating to health care for indigent persons; revising definitions; amending s. 189.415, F.S., relating to special districts; conforming provisions to reflect the transfer of responsibility for issuing certificates of need from the Department of Health and Rehabilitative Services to the Agency for Health Care Administration; amending s. 212.055, F.S., relating to discretionary sales surtaxes; updating references to reflect the abolishment of the Health Care Cost Containment Board and the transfer of its duties to the Agency for Health Care Administration; transferring, renumbering, and amending s. 381.695, F.S., relating to the Department of Corrections; exempting inmate health care facilities from certificate-of-need regulations; amending s. 394.4788, F.S., relating to mental health services; updating references to reflect the abolishment of the Health Care Cost Containment Board and the transfer of its duties to the Agency for Health Care Administration; amending s. 395.0163, F.S., relating to construction inspections; exempting certain detached health care facilities from review by the Office of Plans and Construction of the agency; amending s. 395.401, F.S.; providing for certain reports formerly made to the Health Care Board to be made to the agency; amending ss. 395.604, 395.605, F.S., relating to the licensure of rural hospitals and emergency care hospitals; revising provisions with respect to certificates of need to conform to changes made by the act; deleting exemptions from certificate-of-need requirements for home health and hospice services offered by emergency care hospitals; amending ss. 395.701, 395.804, F.S., relating to the Public Medical Assistance Trust Fund and the Medical Education and Tertiary Care Trust Fund; conforming provisions to reflect the assumption by the agency of duties formerly performed by the Health Care Board; amending s. 400.602, F.S.; authorizing certain entities to receive additional hospice licenses under specified conditions; transferring, renumbering, and amending s. 407.61, F.S., relating to studies, evaluations, and recommendations; conforming provisions to reflect the assumption by the agency of duties formerly performed by the Health Care Board; amending s. 408.001, F.S., relating to the Florida Health Care Purchasing Cooperative; updating references to reflect the abolishment of the Health Care Cost Containment Board and the transfer of its duties to the agency; amending s. 408.032, F.S.; revising definitions; adding a definition of "home health agency"; modifying the definition of "tertiary health service"; repealing certain agency authority relating to tertiary health services; deleting definitions; amending s. 408.033, F.S.; conforming provisions to reflect the transfer of duties from the Department of Health and Rehabilitative Services to the Agency for Health Care Administration; providing legislative findings and intent; revising membership and duties of the local health councils; eliminating the Statewide Health Council; amending s. 408.034, F.S.; prohibiting the agency from licensing hospices unless they have received a certificate of need; repealing such a prohibition applied to licensure of facilities and providers under chs. 393, 395, and 400, F.S.; prohibiting accreditation by a private organization as a requirement for a certificate of need; amending s. 408.035, F.S.; revising the criteria under which a proposed facility or service is reviewed; amending s. 408.036, F.S.; limiting the projects that are subject to competitive review for capital expenditures to radiation-therapy services; allowing conversion of acute-care beds to skilled-nursing beds without review; requiring review for home health agencies until a specified date; repealing review of certain projects; increasing the threshold for expedited review of cost overruns; providing for expedited review of psychiatric beds used for certain treatments; repealing expedited review of various projects; exempting home health agencies established by continuing care facilities from review; repealing various exemptions; creating s. 408.0365, F.S.; creating the Certificate-of-Need Study Commission; providing for membership and appointments; requiring a report of recommendations; amending s. 408.037, F.S., relating to application requirements for a certificate of need; conforming provisions to changes made by the act; clarifying provisions; amending s. 408.038, F.S.;

revising purposes for which proceeds of the application fees may be used; deleting the fee-determination provisions; amending s. 408.039, F.S.; requiring the agency and certain organizations to develop recommendations relating to certain skilled-nursing patients; requiring the same review of skilled-nursing beds for the nursing home facilities and the conversion of hospital beds to skilled-nursing beds; deleting an exemption provided for expedited projects; providing a standard for compliance; revising requirements for a letter of intent and revising the administrative hearing procedure for challenging the issuance or denial of a certificate of need; amending s. 408.040, F.S.; conforming cross-references to changes made by the act; making technical and clarifying revisions; amending s. 408.041, F.S., relating to penalties imposed for undertaking an unauthorized project; conforming cross-references to changes made by the act; amending s. 408.043, F.S., relating to special provisions of certificate-of-need regulation, conforming provisions to changes made by the act; deleting obsolete provisions; deleting prohibition against preferential consideration for establishment of skilled-nursing-facility services by hospitals; amending s. 408.044, F.S., relating to injunctions; conforming cross-references to changes made by the act; amending s. 408.07, F.S.; conforming definitions to changes made by the act; amending s. 408.08, F.S.; deleting provisions requiring the Health Care Board to review the budgets of certain hospitals; deleting requirements that a hospital file budget letters; deleting certain administrative penalties; amending s. 408.702, F.S.; conforming cross-references to changes made by the act; amending s. 408.704, F.S.; adding representation of the Florida Podiatric Medical Association to an agency advisory data committee; conforming cross-references to changes made by the act; amending ss. 409.2673, 409.9113, F.S., relating to health care programs for low-income persons and the disproportionate share program for teaching hospitals; updating references to reflect the abolishment of the Health Care Cost Containment Board and the transfer of its duties to the agency; amending s. 440.13, F.S., relating to reimbursements for medical services under the Workers' Compensation Law; deleting a reference to reviews of hospital budgets made obsolete by the act; amending ss. 651.021, 651.118, F.S., relating to continuing care contracts; revising provisions with respect to certificates of need to conform to changes made by the act; repealing s. 395.1055(1)(d), F.S., relating to disaster-shelter standards applicable to hospitals and ambulatory surgical centers; repealing ss. 395.403(9) and 395.806(3), F.S., relating to the review of hospital budgets; repealing s. 400.179(5)(d), F.S., relating to a nursing home Medicaid liability bonding requirement; repealing s. 408.003, F.S., relating to the Health Care Board; repealing s. 408.042, F.S., relating to restrictions on transfer of a certificate of need; repealing ss. 408.072 and 408.085, F.S., relating to the review of hospital budgets; repealing s. 455.236(3)(g), F.S., relating to the Health Care Cost Containment Board; repealing part III, ch. 483, F.S., consisting of ss. 483.601, 483.610, 483.611, 483.612, 483.613, 483.614, 483.615, 483.616, 483.617, 483.618, 483.619, 483.620, 483.621, 483.622, 483.623, 483.624, F.S., relating to the Cholesterol Screening Center Licensure Act; providing for applicability of the repeal of hospital budget review; providing an effective date.

By the Committee on Ways and Means; and Senator Silver—

**CS for SB 2086**—A bill to be entitled An act relating to pari-mutuel wagering; amending s. 550.3551, F.S.; authorizing certain permit holders to receive broadcasts and conduct wagering on races conducted in other states; creating s. 550.26365, F.S.; providing for the Breeders' Crown Meet; providing an effective date.

By the Committee on Ways and Means; and Senators Gutman, McKay, Williams, Burt, Forman, Jenne, Jennings and Grant—

**CS for SB 2422**—A bill to be entitled An act relating to taxation; amending s. 212.08, F.S.; providing a partial exemption for charges for electricity used in manufacturing certain tangible personal property for sale; amending s. 212.08, F.S.; removing a prohibition against application of the exemption for machinery and equipment used in new or expanding businesses to printing or publishing firms that export from this state more than a specified percentage of their productive output; amending s. 199.143, F.S.; defining the term "residence" for the purpose of determining whether the intangibles tax is due in the maximum amount of a line of credit or at the time money is borrowed; providing an appropriation for tax refunds for qualified target-industry businesses; providing an effective date.

## MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State SB 576, which he approved on May 1, 1995.

### VETOED BILL 1995 REGULAR SESSION

*The Honorable James A. Scott*  
President

May 1, 1995

Dear President Scott:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of the State of Florida, I do hereby withhold my approval of and transmit to you with my objections, Senate Bill 614, enacted during the 27th Session of the Legislature since the Constitution of 1968, during the Regular Session of 1995, and entitled:

An act relating to the official Florida Statutes; amending ss. 11.2421, 11.2422, 11.2424, and 11.2425, Florida Statutes; adopting the Florida Statutes 1995 and designating the portions thereof that are to constitute the official law of the state; providing that the Florida Statutes 1995 shall be effective immediately upon publication; providing that general laws enacted during the 1993 regular and special legislative sessions up to and including the special session of May 24 to May 28, 1993, and prior thereto and not included in the Florida Statutes 1995 are repealed; providing that general laws enacted during the November 1993 special session, the 1994 regular session, and the 1995 regular session are not repealed by this adoption act.

One unintended consequence of this bill is that it effectuates the repeal of Chapter 92-121, Laws of Florida, which is a statute of a general and permanent nature, yet was not codified in the 1995 Florida Statutes. Chapter 92-121, Laws of Florida, provides a mechanism for the payment of services provided to school districts by the Division of Administrative Hearings on behalf of district school boards and is necessary in order to adequately fund the Division of Administrative Hearings.

The payment of these costs by some school districts has been a continuing problem. If district school boards fail to pay their share of the Division's expenses, it falls upon each of the other agencies using the Division's services to pay a greater share.

For these reasons, I am withholding my approval of Senate Bill 614, and hereby veto the same.

Sincerely,  
*Lawton Chiles*  
Governor

**The bill, together with the Governor's objections thereto, was referred to the Committee on Rules and Calendar.**

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

### FIRST READING

*The Honorable James A. Scott, President*

I am directed to inform the Senate that the House of Representatives has passed HB 13, HB 53, CS for HB 109, CS for HB 137, CS for HB 139, CS for HB 157, CS for HB 237, CS for HB 313, CS for HB 365, CS for HB 371, CS for HB 435, HB 475, CS for HB 481, CS for HB 485, HB 545, HB 571, HB 609, CS for HB 621, CS for HB 735, HB 765, HB 793, HB 877, CS for HB 1159, CS for HB 1173, HB 1195, HB 1257, CS for HB 1261, CS for HB 1269, CS for HB 1319, HB 1365, CS for HB 1371, CS for HB 1501, HB 1555, CS for HB 1613, CS for HB 1667, HB 1671, CS for HB 1683, CS for HB 1749, HB 1761, HB 1777, CS for HB 1843, HB 1909, HB 1917, CS for HB 1927, CS for HB 1975, CS for HB 1987, CS for HB 2007, HB 2039, CS for HB 2081, CS for HB 2105, HB 2139, HB 2193, HB 2231, HB 2259, HB 2267, HB 2431, HB 2507, HB 2529, HB 2601, CS for HB 2605, HB 2677, HB 2683; has passed by the required constitutional three-fifths vote of the membership CS for HB 395, HJR 1477; has passed as amended CS for HB 17, CS for HB 41, CS for HB 73, CS for HB 91, HB 123, CS for HB 151, CS for HB 191, HB 243, CS for HB 247, CS for HB 249, CS for HB 305, HB 367, CS for CS for HB 379, CS for HB 399, CS for HB 455, HB 459, CS for HB 467, CS for HB's 491 and

791, CS for HB 497, CS for HB 503, CS for CS for HB 539, HB 543, CS for HB 567, CS for HB 585, CS for HB 595, CS for HB 663, CS for HB 687, CS for HB 717, CS for HB 737, CS for HB 819, CS for HB 821, HB 829, CS for HB 855, HB 879, CS for HB 1161, HB 1199, CS for HB 1205, CS for HB 1211, CS for HB 1229, CS for HB 1249, CS for HB 1263, HB 1301, CS for HB 1323, HB 1341, CS for HB 1343, CS for HB 1375, CS for HB 1391, HB 1393, HB 1499, CS for HB 1533, HB 1575, CS for HB 1649, CS for HB 1659, CS for HB 1669, CS for HB 1673, CS for HB 1687, HB 1721, CS for HB 1745, HB 1769, HB 1785, HB 1787, CS for HB 1807, HB 1817, HB 1821, CS for HB 1827, CS for CS for HB 1853, CS for HB 1893, HB 1901, HB 1903, CS for HB 1929, CS for HB 1933, HB 1935, CS for HB 2017, CS for HB 2023, CS for HB 2025, CS for HB 2111, HB 2123, HB 2125, HB 2133, HB 2175, HB 2307, HB 2313, HB 2337, HB 2339, HB 2401, HB 2405, HB 2413, HB 2433, HB 2459, HB 2489, HB 2493, HB 2495, HB 2497, HB 2505, HB 2513, HB 2515, HB 2517, HB 2531, HB 2537, HB 2589, HB 2649; has passed as amended by the required constitutional two-thirds vote of the membership CS for HB 445; has adopted HCR 1599, HCR 2569; has adopted as amended HCR 2627 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

By Representative Ogles and others—

**HB 13**—A bill to be entitled An act relating to obscenity; providing a short title; amending s. 772.102, F.S.; redefining the term "criminal activity," for purposes of providing a civil remedy pursuant to ch. 772, F.S., to include reference to crimes chargeable under s. 847.0145, F.S., relating to selling or buying of minors for obscenity purposes; providing an effective date.

—was referred to the Committees on Criminal Justice; and Ways and Means.

By Representative Futch—

**HB 53**—A bill to be entitled An act relating to lewd and lascivious behavior; amending s. 800.04, F.S.; prohibiting eligibility for gain-time for persons twice convicted of committing a lewd, lascivious, or indecent assault or act upon or in the presence of a minor child; amending s. 775.0877, F.S.; correcting a cross reference, to conform; amending s. 944.275, F.S., relating to gain-time, to conform; providing an effective date.

—was referred to the Committees on Criminal Justice; and Ways and Means.

By the Committee on Governmental Operations and Representative Gay and others—

**CS for HB 109**—A bill to be entitled An act relating to jurors; creating s. 40.272, F.S.; providing for confidentiality of certain identifying information relative to jurors in a criminal trial; providing a short title; providing an exemption from the applicable public records law; providing for disclosure under certain conditions; providing a penalty; providing a statement of public necessity; providing an effective date.

—was referred to the Committee on Judiciary.

By the Committee on Health Care and Representative Rayson and others—

**CS for HB 137**—A bill to be entitled An act relating to public records; providing an exemption from public records requirements for patient records and other identifying information concerning a complainant involved in a complaint to the statewide or a district managed care ombudsman committee; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

—was referred to the Committee on Health Care.

By the Committee on Health Care and Representative Rayson and others—

**CS for HB 139**—A bill to be entitled An act relating to managed health care; creating s. 641.60, F.S.; providing definitions; creating the Statewide Managed Care Ombudsman Committee; providing for membership, powers, duties, and funding of the committee; providing for reports; creating s. 641.65, F.S.; creating district managed care ombudsman committees; providing for membership, powers, and duties of the committees; creating s. 641.70, F.S.; providing duties of the Agency for Health Care Administration relating to the statewide and district committees; creating s. 641.75, F.S.; providing committee members immunity from liability for good faith action on behalf of an enrollee in a managed care program; providing for public records and meetings; providing that committee members shall not be required to testify on certain matters; providing an effective date.

—was referred to the Committees on Health Care; Governmental Reform and Oversight; and Ways and Means.

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

**CS for HB 157**—A bill to be entitled An act relating to executions; amending and renumbering s. 922.09, F.S.; providing for continued effect of death warrants; amending s. 922.06, F.S.; prescribing a period in which the date of execution of a death sentence shall be set following dissolution of a stay of the sentence; amending s. 922.07, F.S.; requiring the Governor to notify the Attorney General when he lifts a stay of execution because the convicted person is found to have the mental capacity to understand the nature of the death penalty and why it is imposed upon him; providing for certain notification; amending s. 922.08, F.S.; requiring the Governor to notify the Attorney General when he lifts a stay of execution because the convicted person is found not to be pregnant; providing for certain notification; amending s. 922.11, F.S.; requiring the appropriate medical examiner to perform an autopsy following an execution; amending s. 922.12, F.S.; providing that the warrant shall be returned to the Secretary of State rather than the Governor following execution; amending s. 922.15, F.S.; providing that the warrant shall be returned to the Secretary of State rather than the Supreme Court following execution; providing an effective date.

—was referred to the Committees on Criminal Justice; and Ways and Means.

By the Committee on Commerce and Representative Tobin—

**CS for HB 237**—A bill to be entitled An act relating to drug-free workplace requirements; amending s. 112.0455, F.S.; prescribing qualifications of laboratories that analyze specimens; requiring the Agency for Health Care Administration to adopt rules relating to the drug testing of urine, hair, blood, and other body specimens; amending s. 440.102, F.S.; prescribing qualifications of laboratories that analyze specimens; requiring the Department of Labor and Employment Security to adopt rules relating to the drug testing of urine, hair, blood, and other body specimens; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Health and Rehabilitative Services; and Health Care.

By the Committee on Business and Professional Regulation; and Representative Morse and others—

**CS for HB 313**—A bill to be entitled An act relating to massage practice; amending s. 20.165, F.S., relating to the Department of Business and Professional Regulation; removing the Board of Massage from the Division of Professions of the department and providing for a type one transfer; eliminating reference to the Division of Medical Quality Assurance; amending s. 20.42, F.S.; placing the Board of Massage Therapy under the Division of Health Quality Assurance of the Agency for Health Care Administration; amending s. 480.033, F.S.; revising definitions; amending s. 480.034, F.S.; revising an exemption from regulation of massage practice under chapter 480; amending s. 480.035, F.S.; renaming the Board of Massage as the Board of Massage Therapy; amending s. 480.046, F.S.;

revising a ground for disciplinary action relating to practicing massage at certain sites; conforming terminology; amending ss. 480.039, 480.041, 480.042, 480.0425, 480.043, 480.044, 480.047, and 480.049, F.S., conforming terminology; revising a reference to a trust fund, to conform; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; Health Care; and Ways and Means.

By the Committee on Natural Resources and Representative Reddick and others—

**CS for HB 365**—A bill to be entitled An act relating to geographic information sharing; amending s. 282.403, F.S.; creating the Florida Geographic Information Council; providing purposes; providing a definition; providing for membership; providing for meetings of the council; providing duties of the council; requiring an annual report; repealing s. 282.402, F.S., relating to the Florida Growth Management Data Communications Network; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; and Natural Resources.

By the Committee on Aging and Human Services; and Representative Futch—

**CS for HB 371**—A bill to be entitled An act relating to child care facilities; amending s. 402.3125, F.S.; requiring day care facilities to post citations issued for disciplinary actions taken against them; requiring the posting of such citations for a specified period; requiring the posting of an explanation and a description of corrective action taken, if any, with each citation; providing an effective date.

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

By the Committee on Governmental Operations and Representative Safley and others—

**CS for HB 435**—A bill to be entitled An act relating to building designations; designating the conference center building constructed for the Florida Public Service Commission the “Betty Easley Conference Center”; designating the office building constructed for the Florida Public Service Commission the “Gerald L. Gunter Building”; directing the Department of Management Services to erect suitable markers; providing an effective date.

—was referred to the Committee on Governmental Reform and Oversight.

By Representative Martinez—

**HB 475**—A bill to be entitled An act relating to the Parole Commission; amending ss. 947.04 and 947.22, F.S.; authorizing the chairman of the commission to appoint law enforcement officers and limiting their authority to matters over which the commission has jurisdiction; providing for a bond; providing an effective date.

—was referred to the Committees on Criminal Justice; and Ways and Means.

By the Committee on Claims and Representative Sembler—

**CS for HB 481**—A bill to be entitled An act relating to the Town of Indian River Shores; providing for the relief of Charles Warmuth and Rita Warmuth; providing an appropriation to compensate them for injuries suffered due to an automobile accident; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Special Master; and the Committees on Judiciary; and Ways and Means.

By the Committee on Finance and Taxation; and Representative R. Wallace and others—

**CS for HB 485**—A bill to be entitled An act relating to the tourist development tax; amending s. 125.0104, F.S.; allowing any county that levies the tax to use tax proceeds to promote certain zoological parks; providing an effective date.

—was referred to the Committees on Community Affairs; and Ways and Means.

By Representative Ascherl and others—

**HB 545**—A bill to be entitled An act relating to health insurance; amending s. 627.4233, F.S.; clarifying certain provisions relating to the definition of total disability; amending s. 627.6561, F.S.; limiting certain preexisting condition requirements to specified group health insurance policies; authorizing certain group policies to exclude coverage for preexisting conditions under certain circumstances; revising a time limitation for coverage of preexisting conditions; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Representative Trammell and others—

**HB 571**—A bill to be entitled An act relating to state attorneys and public defenders; amending ss. 27.38 and 27.60, F.S.; expanding budget transfer authority of state attorneys and public defenders; providing for carryforward of unexpended funds appropriated to state attorneys and public defenders; providing a limit on the amount carried forward; providing restrictions on the expenditure of such funds; providing an effective date.

—was referred to the Committees on Criminal Justice; and Ways and Means.

By Representative Johnson—

**HB 609**—A bill to be entitled An act relating to prepaid limited health service organizations; amending s. 636.018, F.S.; providing that all filings made shall be subject to the time periods contained in s. 627.410(2), F.S.; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By the Committee on Aging and Human Services; and Representative Spivey—

**CS for HB 621**—A bill to be entitled An act relating to abused persons; amending s. 395.0197, F.S.; providing certain staffing requirements for internal risk management programs; providing an exemption; requiring the investigation and reporting of an allegation of sexual misconduct or sexual abuse at certain health care facilities; prohibiting false allegations; providing a penalty; amending s. 395.3025, F.S.; authorizing release of employee records of a licensed facility to other employers; providing an effective date.

—was referred to the Committees on Health Care; and Health and Rehabilitative Services.

By the Committee on Natural Resources and Representative Trammell—

**CS for HB 735**—A bill to be entitled An act relating to state lands; amending s. 259.101, F.S.; revising provisions with respect to the Florida Preservation 2000 Act to provide for the disposition of certain lands and to provide for the alternate governmental use of acquired lands; providing for retroactive application; providing an effective date.

—was referred to the Committees on Natural Resources; Governmental Reform and Oversight; and Ways and Means.

By Representative Brown—

**HB 765**—A bill to be entitled An act relating to electronic transfer of funds; amending s. 17.076, F.S.; providing a definition; requiring the Department of Banking and Finance to implement certain direct deposit of funds by a date certain; authorizing the department to collect a fee for certain direct deposits under certain circumstances; providing for deposit of such fees; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; Banking and Insurance; and Ways and Means.

By Representative Starks and others—

**HB 793**—A bill to be entitled An act relating to the Department of Revenue; amending s. 20.04, F.S.; exempting the department from certain requirements relating to internal structure; amending s. 20.21, F.S.; eliminating the divisions and offices within the department and transferring their responsibilities to the department; authorizing the department to pay insurance premiums for out-of-state employees; amending ss. 189.412, 195.087, 195.096, 195.097, 200.068, 200.0684, 213.053, 213.2201, and 409.2599, F.S., relating to approval of property appraisers' and tax collectors' budgets, review of assessment rolls, certification of compliance of taxing authorities, child support enforcement, and department publications, to conform; amending s. 213.015, F.S.; correcting a reference; amending s. 2, ch. 94-124, Laws of Florida; correcting the name of a trust fund; repealing s. 213.045, F.S., which establishes division director, assistant division director, bureau chief, and General Counsel positions within the department; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; and Ways and Means.

By Representative Wise—

**HB 877**—A bill to be entitled An act relating to water heaters; requiring water heaters sold in this state to be equipped with certain temperature and pressure relief valves; providing an effective date.

—was referred to the Committee on Community Affairs.

By the Committee on Natural Resources and Representative Arnold—

**CS for HB 1159**—A bill to be entitled An act relating to the acquisition of professional services; amending s. 403.704, F.S.; authorizing the Department of Environmental Protection to use provisions of the Consultants' Competitive Negotiation Act for contracting with environmental consultants; amending s. 713.03, F.S.; including professional geologist and hydrogeologist within a list of professions which may place a lien for professional services upon real property; providing an effective date.

—was referred to the Committees on Natural Resources; and Ways and Means.

By the Committee on Higher Education and Representative Ritchie—

**CS for HB 1173**—A bill to be entitled An act relating to nonpublic postsecondary institutions; amending s. 246.041, F.S., relating to an annual review of accreditation standards; amending s. 246.085, F.S.; authorizing additional nonpublic colleges to apply for a certificate of exemption from licensing requirements; correcting the title of an accrediting body; providing an effective date.

—was referred to the Committee on Higher Education.

By Representative Edwards and others—

**HB 1195**—A bill to be entitled An act relating to the Multijurisdictional Tourism, Sports, and Entertainment Special District Act; amending s. 191.13, F.S.; removing the authority of a unit of local government to make certain investments of public funds under said act; providing an effective date.

—was referred to the Committees on Community Affairs; Commerce and Economic Opportunities; and Ways and Means.

By Representative Andrews and others—

**HB 1257**—A bill to be entitled An act relating to educational facilities; creating s. 235.0155, F.S.; providing for development of prototype designs for public schools; providing requirements; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By Representative Rodriguez-Chomat and others—

**HB 1261**—A bill to be entitled An act relating to corporate income tax; amending s. 220.02, F.S.; providing legislative intent that the provisions of s. 1445 of the Internal Revenue Code, regarding withholding of tax on dispositions of United States real property interests, be applied to the Florida Income Tax Code; amending s. 220.03, F.S.; providing definitions; amending s. 220.24, F.S.; providing that a transferee subject to such withholding provisions is required to make a declaration of estimated tax; amending s. 220.241, F.S.; providing the filing date for such declaration; amending s. 220.33, F.S.; providing that any person required to deduct and withhold a tax subject to said section is also subject to declaration of estimated tax requirements; specifying the amount of tax in the case of disposition of property by a foreign corporation; amending s. 220.34, F.S.; requiring timely notice to the Department of Revenue if specific exceptions apply; providing requirements with respect thereto; amending s. 213.29, F.S.; providing that any person who fails to withhold required amounts is responsible for paying such amount, subject to penalty and interest and lien procedures; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Ways and Means.

By the Committee on Governmental Operations and Representative Lynn and others—

**CS for HB 1269**—A bill to be entitled An act relating to the confidentiality of records of an economic development agency; amending s. 288.075, F.S.; revising the definition of "economic development agency" to include certain private entities for purposes of the confidentiality of the records of such an agency; revising provisions which prohibit a public officer or employee from entering into a binding agreement with an entity with respect to which information is confidential for a specified period; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Community Affairs.

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

**CS for HB 1319**—A bill to be entitled An act relating to capital felonies; amending s. 27.7001, F.S.; providing legislative intent to restrict scope of collateral representation provided in capital cases; amending s. 119.07, F.S., relating to public records; providing legislative intent with respect to discovery in collateral postconviction proceedings; amending s. 921.141, F.S.; providing an aggravating circumstance for capital felony sentencing when the felon was on probation at the time of the crime; providing an aggravating circumstance for capital felony sentencing when the capital felon has committed or attempted to commit aggravated child abuse, or when the victim of the capital felony is under 12 years old; providing an aggravating circumstance for capital felony sentencing when the victim of the capital felony is vulnerable due to advanced age or disability or because the defendant stands in a position of familial or custodial authority, amending ss. 921.141 and 921.142, F.S.; providing for judicial use of nonbinding advisory recommendations returned by the jury in a capital case and in a capital drug trafficking case; removing references to advisory sentence; authorizing the court to make findings requiring the death sentence within 30 days of sentencing; providing 2-year time period in which disposition must be rendered on automatic review of certain capital felony cases and deleting requirement of certification of the record by the sentencing court; providing for severability; providing an effective date.

—was referred to the Committees on Criminal Justice; and Ways and Means.

By Representative Fuller and others—

**HB 1365**—A bill to be entitled An act relating to community corrections assistance; amending s. 948.51, F.S.; revising the Community Corrections Partnership Act to allow two or more counties to form a consortium and receive funds for corrections and public safety programs; requiring the formation of a public safety coordinating council to prepare a comprehensive public safety plan; requiring the public safety coordinating council to cooperate with the district juvenile justice board and the county juvenile justice council; revising the requirements of the comprehensive public safety plan; providing additional responsibilities of the Department of Corrections in administering the act; deleting a limitation on the amount that a county may diminish its spending for correctional and public safety programs; requiring the department to reimburse certain expenses incurred by a county in performing an evaluation; specifying additional programs, services, and facilities that may be funded under the act; providing for funding the costs of health care for offenders placed in programs or facilities operated under the act; amending s. 951.26, F.S.; revising the membership of a public safety coordinating council for a county; providing for the membership of a public safety coordinating council for a consortium of two or more counties; providing an effective date.

—was referred to the Committees on Criminal Justice; Community Affairs; and Ways and Means.

By the Committee on Judiciary and Representative Roberts-Burke and others—

**CS for HB 1371**—A bill to be entitled An act relating to dissolution of marriage, support, and custody; amending s. 61.075, F.S.; revising language with respect to the equitable distribution of marital assets and liabilities; amending s. 61.13, F.S.; providing that the circuit court in the county in which either parent and the child reside or the circuit court in which the original award of custody was entered have jurisdiction to modify an award of child custody; amending s. 61.30, F.S.; providing, with respect to gross income for child support purposes, that gross income includes court-ordered spousal support in the marriage before the court; providing that an allowable deduction from gross income shall be spousal support paid pursuant to a court order from a previous marriage or the marriage before the court; revising language with respect to minimum child support awards; amending s. 742.031, F.S.; authorizing the court to make a determination as to parental responsibility and primary residential care of minor children; providing that if a judgment of paternity contains no explicit award of custody, the establishment of a support obligation or visitation rights shall be considered a judgment granting primary residential care and custody to the other parent; amending s. 744.301, F.S.; providing that the mother of a child born out of wedlock shall be the primary residential parent unless a court of competent jurisdiction enters an order directing otherwise; providing an effective date.

—was referred to the Committee on Judiciary.

By the Committee on Health Care and Representative Maygarden and others—

**CS for HB 1501**—A bill to be entitled An act relating to rural health networks; amending s. 381.0406, F.S.; modifying legislative findings and intent; modifying definitions; limiting liability of network directors, employees, and agents; modifying network services; providing that networks may become managed care providers or accountable health partnerships, under certain circumstances; providing for network infrastructure development; amending and renumbering s. 395.606, F.S., relating to rural health network cooperative agreements; modifying intent; providing for rules; providing an effective date.

—was referred to the Committees on Health Care; Judiciary; and Ways and Means.

By Representative Boyd—

**HB 1555**—A bill to be entitled An act relating to the boundaries of Citrus County and Levy County; repealing s. 3, ch. 94-313, Laws of Florida; removing a conditional effective date relating to manatee protection

from implementation of the change in the Withlacoochee River boundary between Citrus County and Levy County; providing a new effective date for said chapter; providing an effective date.

—was referred to the Committee on Community Affairs.

By the Committee on Governmental Operations and Representative Chestnut—

**CS for HB 1613**—A bill to be entitled An act relating to state planning; amending provisions of chapter 186, F.S., relating to state planning, to incorporate reference to the judicial branch as required by s. 19(h), Art. III of the State Constitution; amending s. 186.002, F.S.; revising legislative findings and intent; amending s. 186.003, F.S.; revising, providing, and eliminating definitions; amending s. 186.007, F.S., relating to preparation of the state comprehensive plan; eliminating an inapplicable term and a provision relating to the long-term infrastructure and capital outlay portion of the plan; amending s. 186.008, F.S., relating to implementation and revision of the state comprehensive plan; amending s. 186.009, F.S.; eliminating an obsolete provision relating to the growth management portion of the state comprehensive plan; amending s. 186.021, F.S., relating to strategic plans; providing for agency and legislative branch plans; requiring such plans to identify potential conflicts with existing law; amending s. 186.022, F.S.; revising provisions relating to preparation, submission, revision, and review of strategic plans, to require submission to additional legislative leaders and committees, inclusion of budget reduction measures, and preparation of major issues in conformity with legislative budget requests; amending s. 186.031, F.S.; changing the Governor's report to the Legislature on the state comprehensive plan from an annual report to a biennial one; amending s. 216.052, F.S.; requiring strategic plans to be submitted with legislative budget requests to the legislative appropriations committees; amending ss. 11.45, 282.307, and 282.308, F.S., to conform; providing an effective date.

—was referred to the Committees on Community Affairs; and Ways and Means.

By the Committee on Judiciary and Representative Sanderson and others—

**CS for HB 1667**—A bill to be entitled An act relating to confidentiality of communications between a domestic violence advocate and a domestic violence victim; creating s. 90.5036, F.S.; providing for confidentiality under the Florida Evidence Code of communications between a domestic violence advocate and a victim; providing an effective date.

—was referred to the Committee on Judiciary.

By Representative Jones—

**HB 1671**—A bill to be entitled An act relating to the Department of Transportation; amending chapter 85-364, Laws of Florida; directing the department to use certain tolls collected on the Pinellas Bayway for certain improvements and projects; providing for the inclusion of such improvements in the 5-year work program; providing an effective date.

—was referred to the Committees on Transportation; and Ways and Means.

By the Committee on Governmental Operations and Representative Tedder—

**CS for HB 1683**—A bill to be entitled An act relating to disposition of federal funds; amending s. 14.23, F.S.; clarifying legislative intent; amending s. 216.102, F.S.; requiring state agencies and the judicial branch to record the receipt of federal funds; providing requirements for access to such funds; providing additional duties of the Comptroller relating to financial statements; creating s. 216.103, F.S.; requiring agencies receiving federal funds to designate a coordinating official; requiring the creation and maintenance of an inventory of certain programs; requiring a process for collecting, assimilating, and evaluating information on federal funds received; requiring a process to identify and monitor opportunities relating to federal grant-in-aid programs; amending s. 216.151, F.S.;

requiring the Executive Office of the Governor to make a detailed study of state agencies for certain purposes; requiring the office to consult with the Office of State-Federal Relations for certain purposes; amending s. 216.212, F.S.; requiring the Comptroller and the Executive Office of the Governor to develop and maintain certain compatibility measures; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; and Ways and Means.

By the Committee on Criminal Justice and Representative B. Saunders and others—

**CS for HB 1749**—A bill to be entitled An act relating to traffic enforcement; amending s. 316.640, F.S.; prohibiting sheriffs and municipal police departments of chartered municipalities from establishing traffic citation quotas; requiring written work performance standards for traffic enforcement activity; providing an effective date.

—was referred to the Committee on Criminal Justice.

By Representative Morroni—

**HB 1761**—A bill to be entitled An act relating to education; amending s. 231.17, F.S.; requiring each applicant for a teaching certificate to demonstrate awareness of the instructional needs of students having limited proficiency in English and to employ teaching strategies to meet their needs; requiring the State Board of Education to adopt rules to implement these requirements; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By Representative Mackenzie and others—

**HB 1777**—A bill to be entitled An act relating to funding for rehabilitation of persons with brain or spinal cord injuries; amending s. 316.193, F.S.; assessing an additional fine for driving under the influence to be deposited in the Brain and Spinal Cord Rehabilitation Trust Fund; amending s. 327.35, F.S.; assessing an additional fine for operating a vessel while under the influence to be deposited in the Brain and Spinal Cord Rehabilitation Trust Fund; providing an effective date.

—was referred to the Committees on Transportation; Health and Rehabilitative Services; and Ways and Means.

By the Committee on Health Care and Representative Diaz de la Portilla and others—

**CS for HB 1843**—A bill to be entitled An act relating to human immunodeficiency virus; amending s. 381.004, F.S.; permitting telephonic posttest counseling under certain circumstances; amending s. 483.181, F.S.; permitting certain individuals to order HIV tests from clinical laboratories; amending s. 499.005, F.S.; revising a prohibition relating to sale of HIV self-testing kits; providing an effective date.

—was referred to the Committees on Health Care; and Ways and Means.

By Representative Bronson—

**HB 1909**—A bill to be entitled An act relating to the Department of Management Services; amending s. 255.249, F.S.; clarifying duties of the Division of Facilities Management of the Department of Management Services relating to certain buildings; repealing s. 255.245, F.S., relating to state-owned office buildings; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; and Ways and Means.

By Representative Bullard—

**HB 1917**—A bill to be entitled An act relating to commercial installment contracts; amending s. 687.03, F.S.; authorizing a limited charge to be imposed on certain delinquent payments under commercial installment contracts under certain circumstances; providing that such delinquency charge is not interest or a finance charge for purposes of determining a rate of interest; providing an effective date.

—was referred to the Committee on Commerce and Economic Opportunities.

By the Committee on Education and Representative D. Saunders and others—

**CS for HB 1927**—A bill to be entitled An act relating to educational finance; amending s. 236.083, F.S.; revising the formula for funding public school student transportation; revising terminology; revising allocation provisions; providing for calculation and allocation of hold harmless; providing a restriction; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By the Committee on Commerce and Representative Diaz de la Portilla and others—

**CS for HB 1975**—A bill to be entitled An act relating to business investments; creating ss. 288.721, 288.722, 288.723, 288.724, 288.725, 288.726, 288.727, and 288.728, F.S.; creating the Florida Hispanic Business Investment Board; providing purpose; providing definitions; providing for appointment of members; providing for an executive director and employees; providing powers of the board; specifying conditions for board action; providing for investments from a trust fund under certain circumstances; authorizing disbursements of moneys from the fund under certain circumstances; authorizing the board to establish certain guarantor funds under certain circumstances; providing for uses of certain funds under certain circumstances; authorizing the board to establish a loan guaranty program; authorizing the board to issue certain capital participation instruments under certain circumstances; requiring the board to submit an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives; specifying contents of the report; amending ss. 625.3255, 657.042, 658.67, and 665.0501, F.S.; authorizing insurers, credit unions, banks, and associations to invest in certain capital participation instruments issued by the Florida Hispanic Business Investment Board; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Governmental Reform and Oversight; and Ways and Means.

By the Committee on Tourism and Cultural Affairs; and Representative Logan—

**CS for HB 1987**—A bill to be entitled An act relating to multijurisdictional tourism, sports, and entertainment special districts; repealing chapter 191, F.S., which provides for the creation of such districts; providing an effective date.

—was referred to the Committee on Community Affairs.

By the Committee on Commerce and Representative Crady—

**CS for HB 2007**—A bill to be entitled An act relating to rural development; establishing in the Department of Commerce the Rural Community Development Revolving Loan Fund Program for certain purposes; providing duties of the Department of Commerce; requiring the Department of Commerce to adopt rules; providing for a Rural Community Development Revolving Loan Fund Program Committee to review and approve loan applications; providing for membership; requiring an annual report on program activities; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Community Affairs; and Ways and Means.

By Representative Dennis and others—

**HB 2039**—A bill to be entitled An act relating to housing for the elderly; amending s. 420.5087, F.S.; clarifying provisions relating to use of funds under the State Apartment Incentive Loan Program; increasing the maximum amount of certain loans; reducing the amount of matching funds required; extending the maximum term of such loans; providing an effective date.

—was referred to the Committees on Community Affairs; and Ways and Means.

By the Committee on Health Care and Representative Jacobs and others—

**CS for HB 2081**—A bill to be entitled An act relating to the H. Lee Moffitt Cancer Center and Research Institute; amending s. 240.512, F.S.; providing legislative intent; providing for local sources of funding; providing for applicability of waiver of sovereign immunity provisions; providing powers and duties; providing an effective date.

—was referred to the Committees on Higher Education; Judiciary; and Ways and Means.

By the Committee on Insurance and Representative Horan—

**CS for HB 2105**—A bill to be entitled An act relating to insurance; creating ss. 625.191, 625.192, 625.193, and 625.194, F.S.; establishing the "Material Transactions Act"; providing definitions; requiring insurers to report material acquisitions or dispositions or material nonrenewals, cancellations, or revisions of ceded reinsurance agreements; providing for the scope of the Material Transactions Act; specifying requirements for the material transactions report; specifying the type of nonrenewal, cancellation, or revision of a ceded reinsurance agreement which must be reported by the insurer to the department; specifying information to be included in the report; providing an exception; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Representative Stafford—

**HB 2139**—A bill to be entitled An act relating to saltwater fisheries; repealing s. 370.162, F.S., relating to the purchase of sponges grown, cultivated, or otherwise produced in Florida by certain state, county, or municipal officials; providing an effective date.

—was referred to the Committee on Natural Resources.

By Representative Fasano—

**HB 2193**—A bill to be entitled An act relating to cultural programs; repealing s. 265.2862, F.S., relating to support programs for cultural institutions; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; and Ways and Means.

By Representative Bullard—

**HB 2231**—A bill to be entitled An act relating to disturbing religious and other assemblies; repealing s. 871.03, F.S., relating to peddling goods at a camp meeting; providing an effective date.

—was referred to the Committee on Commerce and Economic Opportunities.

By Representative Smith—

**HB 2259**—A bill to be entitled An act relating to the Department of Transportation; repealing s. 339.149, F.S.; relating to periodic audits con-

ducted by the Auditor General of described functions and processes of the department; providing an effective date.

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

By the Committee on Agriculture and Consumer Services; and Representative Greene and others—

**HB 2267**—A bill to be entitled An act relating to consumer protection; amending s. 501.019, F.S., relating to health studios; revising penalties and specifying grounds for imposition thereof; amending s. 501.059, F.S., relating to telephone solicitation; providing penalties and specifying grounds for imposition thereof; amending s. 501.604, F.S., relating to the "Florida Telemarketing Act"; clarifying an exemption; amending s. 559.813, F.S., relating to the sale of business opportunities; revising penalties and grounds for imposition thereof; amending ss. 559.903, 559.904, and 559.921, F.S., relating to motor vehicle repair shops; revising definition; revising requirements for repair shops which perform only minor repairs; providing penalties; amending s. 570.544, F.S.; revising certain powers of the Division of Consumer Services; reenacting ss. 325.202(12) and 325.212(2), F.S., relating to motor vehicle reinspection facilities, to incorporate the amendment to s. 559.903(7), F.S., in a reference; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; and Ways and Means.

By the Committee on Community Affairs and Representative Goode and others—

**HB 2431**—A bill to be entitled An act relating to the Florida National Guard; amending s. 250.10, F.S.; providing for an Assistant Adjutant General for Army and an Assistant Adjutant General for Air; amending s. 250.34, F.S., relating to compensation while injured and prescribing limitation of benefits while on active service and subject to disability pay; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; and Ways and Means.

By the Committee on Governmental Operations and Representative Lawson—

**HB 2507**—A bill to be entitled An act relating to financial investigations; amending s. 20.12, F.S.; establishing the Division of Financial Investigations of the Department of Banking and Finance; amending s. 17.04, F.S.; providing investigative duties of the division; providing for the referral of certain records to law enforcement and prosecutorial agencies; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Ways and Means.

By the Committee on Governmental Operations and Representative Lawson—

**HB 2529**—A bill to be entitled An act relating to public records; creating s. 315.17, F.S.; providing an exemption from public records requirements for certain proposals and counterproposals exchanged between certain deepwater ports and nongovernmental entities for a specified period; providing an exemption from public records requirements for certain financial records submitted by such entities to such ports; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was referred to the Committees on Transportation; and Governmental Reform and Oversight.

By the Committee on Ethics and Elections; and Representative Upchurch and others—

**HB 2601**—A bill to be entitled An act relating to absentee voting; amending s. 97.021, F.S.; redefining the term "absent elector"; amending s. 101.5609, F.S., relating to electronic and electromechanical voting system ballots; removing a provision relating to recording the issuance of absentee ballots; amending s. 101.62, F.S.; restricting the number of absentee ballots that any one person may pick up; providing an exception; requiring persons designated to pick up such ballots for other electors to provide a picture identification and complete an authorizing affidavit; providing for the form and contents of such affidavit; removing language that required initialing the stubs of absentee ballots prior to issuance to electors; requiring absentee ballots to be mailed or delivered directly to the supervisor of elections; amending ss. 101.64 and 101.65, F.S.; revising the voter's certificate and instructions to absent electors to revise the signature witnessing requirement and to revise the reasons for voting an absentee ballot; amending s. 163.511, F.S., relating to referendum ballots on the creation of special neighborhood improvement districts, to conform; creating s. 101.655, F.S.; providing for supervised voting for absent electors in certain facilities; amending s. 101.68, F.S.; providing for earlier commencement of the canvassing of absentee ballots; amending s. 101.69, F.S.; authorizing an elector voting in person to execute an affidavit stating that the absentee ballot supplied to the elector has not been voted rather than requiring the elector to return that ballot before being allowed to vote; amending s. 101.694, F.S.; updating a reference to a federal act; providing an effective date.

—was referred to the Committees on Executive Business, Ethics and Elections; and Ways and Means.

By the Committees on Rules and Calendar; and Education; and Representative Chestnut—

**CS for HB 2605**—A bill to be entitled An act relating to educational choice; requiring district school boards to offer controlled open enrollment for students in public schools; providing for district school board choice plans and programs; providing for implementation; requiring a report; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By the Committee on Agriculture and Consumer Services; and Representative Harris—

**HB 2677**—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; repealing s. 501.016(6), F.S., relating to health studio security requirement exemptions; repealing s. 501.90, F.S., relating to treated fence posts; repealing ss. 536.13, 536.14, 536.15, 536.16, 536.17, 536.18, 536.19, 536.20, 536.21, and 536.22, F.S., relating to timber and lumber; repealing s. 571.11, F.S., relating to seal of quality violations for eggs or poultry; repealing s. 581.151, F.S., relating to control of spreading decline; repealing s. 586.02(10) and (11), F.S., relating to definitions; repealing s. 590.026(6)(a), F.S., relating to a report on burning submitted to the Legislature; repealing s. 590.50, F.S., relating to sale of cypress products; repealing ss. 591.27, 591.28, 591.29, 591.30, 591.31, 591.32, 591.33, and 591.34, F.S., relating to designating and marking seed trees; providing an effective date.

—was referred to the Committees on Agriculture; and Governmental Reform and Oversight.

By the Committee on Natural Resources and Representative Sembler and others—

**HB 2683**—A bill to be entitled An act relating to aquaculture; amending s. 253.68, F.S.; declaring legislative intent; requiring the Department of Environmental Protection to prepare comprehensive guidelines defining the application and review processes for aquaculturalists' requests to lease sovereignty submerged lands; requiring the department to make recommendations on changing policies to facilitate such leasing; requiring a report; directing the department to expedite leasing applications under the existing leasing program; amending s. 370.06, F.S.; creating a special activity license for aquacultural activities; establishing a fee for the

license; creating s. 370.26, F.S.; directing the department to promote aquaculture through making available state lands and water column determined suitable for aquacultural development; directing the department to coordinate with other state and local agencies and programs to identify and designate lands suitable for aquaculture; directing the department to develop general permits for aquacultural activities; declaring aquaculture to be a practicable resource management alternative; directing the department to provide technical expertise and information transfer and to facilitate research by providing seed stocks to aquaculturists and evaluating candidate species; directing the department to coordinate with the Aquaculture Review Council to establish a grants program for aquaculture research, planning, analysis, and retraining; creating a position within the department for an aquaculture coordinator; directing the department to draft a report and recommendations on creating an aquaculture products license; directing the Department of Agriculture and Consumer Services to establish and administer an economic development grants program for local governments most impacted by the provisions of the constitutional net ban; providing rulemaking authority; amending s. 327.11, F.S.; accelerating remittance of certain vessel registration fees to the state; providing appropriations; providing effective dates.

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

By the Committee on Appropriations and Representative Safley—

**CS for HB 395**—A bill to be entitled An act relating to trust funds; creating the Florida School Improvement and Academic Achievement Trust Fund within the Department of Education; providing for source of moneys and purposes; providing for future review and termination or creation of the fund; providing a contingent effective date.

—was referred to the Committees on Education; and Ways and Means.

By Representative Logan—

**HJR 1477**—A joint resolution proposing an amendment to Section 2 of Article XI of the State Constitution relating to the Constitution Revision Commission.

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

By the Committee on Judiciary and Representative Geller and others—

**CS for HB 17**—A bill to be entitled An act relating to guardians; creating s. 744.1085, F.S.; providing for the regulation of professional guardians; providing a definition; providing for a bond; providing educational requirements; providing for annual fiscal audits; increasing financial return audit fees to defray the costs of conducting annual audits; amending s. 624.606, F.S.; redefining the term “surety insurance”; authorizing issuance of a blanket fidelity bond; amending s. 744.3135, F.S.; requiring criminal history and credit check; amending s. 744.3145, F.S.; excluding professional guardians from certain educational requirements; amending s. 744.351, F.S.; subjecting corporate guardians to bonding requirement; amending s. 744.639, F.S.; revising language with respect to attorney’s fees; amending s. 744.641, F.S.; providing that extraordinary services approved by the Veteran’s Administration do not require a court hearing for approval; amending s. 744.202, F.S.; providing that certain venue provisions do not apply to veterans; providing an effective date.

—was referred to the Committees on Judiciary; and Ways and Means.

By the Committee on Judiciary and Representative Ogles and others—

**CS for HB 41**—A bill to be entitled An act relating to sexual battery; providing legislative findings and intent; amending s. 794.011, F.S.; clarifying the definition of “consent” with respect to sexual battery offenses; creating provisions relating to sexual battery offenses by a law enforcement officer, correctional officer, or correctional probation officer; providing penalties for falsely accusing any such officer; providing an effective date.

—was referred to the Committees on Criminal Justice; and Ways and Means.

By the Committee on Judiciary and Representative Feren and others—

**CS for HB 73**—A bill to be entitled An act relating to court reporters; providing a definition; providing that certain actions by an official court reporter shall not constitute violations of ch. 112, F.S.; providing for retroactive application; creating s. 25.383, F.S.; providing for the establishment of minimum standards and procedures for court reporters; providing fees for certification; creating s. 27.006, F.S.; providing for the costs of court reporting services to be paid to counties in accordance with the General Appropriations Act and for counties to supplement funds for criminal proceedings; creating s. 27.0061, F.S.; providing for the preparation of transcripts in criminal cases; amending s. 90.108, F.S.; providing that certified transcripts are prima facie a correct statement; repealing chapter 29, F.S., relating to court reporters; providing effective dates.

—was referred to the Committees on Judiciary; Executive Business, Ethics and Elections; and Ways and Means.

By the Committee on Community Affairs and Representative Reddick—

**CS for HB 91**—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.; providing a definition of “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 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.; requiring certain reports from mortgage credit certificate issuers; amending s. 159.81, F.S.; providing for the automatic carryforward of private activity bond allocations for unissued mortgage credit certificates; providing an effective date.

—was referred to the Committees on Community Affairs; Judiciary; and Ways and Means.

By Representative Wasserman Schultz and others—

**HB 123**—A bill to be entitled An act relating to retirement; 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.; removing obsolete language from the definition of “city”; redefining the term “special risk member”; redefining “compensation” to exclude certain payments; 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. 121.0515, F.S., expanding the Special Risk Class to include certain emergency medical technicians and paramedics; 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.; allowing certain elected officials to participate in the Senior Management Service Optional Annuity Program; requiring certain senior managers in the Department of Military Affairs to participate in the Senior Management Service Class; 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; creating s. 121.1120, F.S., to permit purchase of retirement credit for certain in-state employment; amending s. 121.30, F.S.; providing for application of federal limits on retirement benefits and compensation used for retirement purposes; providing legislative intent; providing for contribution increases to fund provisions permitting the purchase of credit for certain in-state service; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; and Ways and Means.

By the Committee on Health Care and Representative Kelly and others—

**CS for HB 151**—A bill to be entitled An act relating to clinical laboratories; amending s. 408.033, F.S.; exempting certain clinical laboratories from the local and state health planning fee; amending s. 483.035, F.S.; providing responsibility of the Agency for Health Care Administration for personnel standards for exclusive-use laboratories; amending s. 483.051, F.S.; revising provisions relating to alternate-site testing; providing responsibility of the agency; deleting requirements for consultation with the Board of Clinical Laboratory Personnel; providing certain responsibilities of clinical laboratory directors; directing the agency to solicit certain comments; specifying a testing protocol; specifying minimum training and education for those who perform testing; amending s. 483.172, F.S.; limiting the time period for the collection of certain fees; amending s. 483.181, F.S.; prohibiting discrimination by a clinical laboratory based upon the chapter under which a health care provider is licensed; amending ss. 483.23, 483.800, 483.801, 483.803, and 483.813, F.S.; providing that provisions governing the regulation and licensure of clinical laboratory personnel do not apply to persons engaged in alternate-site testing or in testing performed at practitioners' exclusive-use laboratories or laboratories that perform only waived tests; revising the definition of "clinical laboratory personnel"; amending s. 483.26, F.S.; requiring establishment of a technical advisory panel; providing composition; amending s. 483.805, F.S.; revising the membership of the Board of Clinical Laboratory Personnel; amending s. 483.811, F.S.; deleting reference to board responsibility for regulation of personnel in laboratories operated under s. 483.035(1), F.S.; creating s. 483.824, F.S.; establishing qualifications for a clinical laboratory director; providing an effective date.

—was referred to the Committees on Health Care; and Ways and Means.

By the Committee on Transportation and Representative Gay and others—

**CS for HB 191**—A bill to be entitled An act relating to driver licenses; amending s. 322.03, F.S.; prohibiting the use of Florida-only driver licenses as proof of Florida residency and as identification for voter registration purposes; amending s. 322.08, F.S.; revising proof of identity with respect to the application for a driver license; amending s. 322.09, F.S.; revising proof of identity with respect to application of minors for a driver license; providing an effective date.

—was referred to the Committee on Transportation.

By Representative Sembler—

**HB 243**—A bill to be entitled An act for the relief of Lori Burns, wife of Samuel A. Burns, deceased; providing compensation to her for monies paid into the Florida Retirement System by her husband, Samuel A. Burns; providing an effective date.

—was referred to the Special Master; and the Committees on Judiciary; and Ways and Means.

By the Committee on Transportation and Representative Cosgrove and others—

**CS for HB 247**—A bill to be entitled An act relating to traffic control; amending s. 316.003, F.S.; defining the term "traffic infraction detector"; amending s. 316.0745, F.S.; requiring approval of traffic infraction detectors by the Department of Highway Safety and Motor Vehicles; amending s. 316.008, F.S.; providing counties and municipalities the authorization to contract with private providers for traffic infraction detectors; requiring the posting of signs; providing for fines and disposition thereof; amending s. 318.141, F.S.; authorizing traffic infraction enforcement officers to issue tickets; creating s. 316.1971, F.S.; providing for the use of traffic infraction detectors by counties and municipalities; providing for the disposition of certain fines; amending s. 320.03, F.S., to conform to the act; amending s. 318.18, F.S.; authorizing the Clerk of Circuit Court to dismiss certain violations under certain circumstances; providing an effective date.

—was referred to the Committees on Transportation; Community Affairs; and Ways and Means.

By the Committee on Commerce and Representative Lippman and others—

**CS for HB 249**—A bill to be entitled An act relating to moving and storage; creating part XII of ch. 559, F.S.; creating the "Florida Moving and Storage Act"; providing a short title; providing purposes; providing applicability; providing definitions; providing for registration, insurance, and bonding; requiring estimates of certain costs; requiring a contract for service and a disclosure statement for transportation by movers; specifying contents of such contracts; providing criteria and procedures for estimates; making certain activities by movers unlawful under certain circumstances; providing a penalty; providing for payment of charges in excess of an estimate; providing for preparation of an inventory under certain circumstances; specifying acceptable forms of payment; requiring transportation of goods with reasonable dispatch; providing for liability of movers under certain circumstances; providing exceptions; requiring the keeping of certain records; providing procedures for handling inquiries and complaints; providing for a written statement of satisfaction; specifying the contents of such statement; providing procedures for acknowledging claims; providing for investigation of claims; providing for disposition of claims; providing powers and duties of the Department of Agriculture and Consumer Services; authorizing the department to adopt rules; providing an effective date; specifying certain activities as grounds for certain disciplinary action; authorizing the department to take certain disciplinary action; authorizing the department to bring actions to enjoin certain activities under certain circumstances; providing civil penalties; providing for private remedies; providing for penalties; authorizing a Moving and Storage Advisory Council; specifying unfair and deceptive trade practices; providing for construction of provisions of the act; creating s. 205.1975, F.S.; requiring a certificate to receive an occupational license; providing an appropriation; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; Commerce and Economic Opportunities; and Ways and Means.

By the Committee on Business and Professional Regulation; and Representative Martinez—

**CS for HB 305**—A bill to be entitled An act relating to electrical and alarm system contracting; amending s. 489.503, F.S.; revising exemptions from regulation under part II of chapter 489, relating to electrical and alarm system contracting, that apply to school boards, the Board of Regents, and community colleges and to public utilities; amending s. 489.511, F.S.; revising eligibility requirements for certification as an electrical or alarm system contractor; amending s. 489.513, F.S.; revising registration requirements for electrical contractors; amending ss. 489.539 and 553.19, F.S.; providing for updating of electrical standards; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; and Ways and Means.

By Representative Andrews—

**HB 367**—A bill to be entitled An act relating to community redevelopment agencies; amending s. 163.380(3), F.S., to delete the requirement to notify the governing body not less than 30 days prior to accepting a community redevelopment proposal; amending s. 163.385, F.S., relating to revenue bonds; revising language relating to issuance of refunding bonds; creating s. 163.451, F.S.; providing a limitation on actions to contest the validity of findings of necessity and of the creation of an agency; providing an effective date.

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

By the Committees on Appropriations and Education and Representative Safley and others—

**CS for CS for HB 379**—A bill to be entitled An act relating to education; creating s. 236.1229, F.S.; requiring use of funds in the Florida School Improvement and Academic Achievement Trust Fund to provide challenge grants and matching endowment grants to district school boards; providing duties; providing for allocation and matching of funds;

providing for district-level administration; authorizing district trust funds and providing duties of direct-support organizations; prohibiting certain uses of funds; providing a contingent effective date.

—was referred to the Committees on Education; and Ways and Means.

By the Committee on Natural Resources and Representative Eggelation—

**CS for HB 399**—A bill to be entitled An act relating to human health and the environment; providing legislative findings and intent; providing a definition; creating the Risk-Based Priority Council; providing mechanism for selecting the council; providing the length of life of the council; providing issues to be reviewed by the council; requiring a report; providing for a pilot project; requiring agencies to cooperate to fullest extent possible; housing the council in the Joint Legislative Management Committee for certain purposes; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; Judiciary; Rules and Calendar; and Ways and Means.

By the Committee on Claims and Representative Trammell—

**CS for HB 455**—A bill to be entitled An act for the relief of Dawn Ann Spioch, Kimberly A. Ziegler, a minor, by and through her parents and next friends, James B. Ziegler and Jane Ziegler, and James B. Ziegler and Jane Ziegler; providing compensation to them for injuries and damages sustained as a result of the negligence of the Department of Transportation; providing an effective date.

—was referred to the Special Master; and the Committees on Judiciary; and Ways and Means.

By Representative Crist and others—

**HB 459**—A bill to be entitled An act relating to imitation firearms; amending s. 39.044, F.S.; authorizing a court to detain a child prior to his detention hearing if the child has been arrested for an offense involving an imitation firearm; amending s. 790.001, F.S.; defining the term "imitation firearm" for purposes of ch. 790, F.S., relating to weapons and firearms; amending s. 790.06, F.S., relating to licenses to carry concealed weapons or firearms; revising a cross-reference to conform to renumbering by the act; amending s. 790.07, F.S.; providing penalties for certain offenses involving the use of an imitation firearm; providing an effective date.

—was referred to the Committees on Criminal Justice; Health and Rehabilitative Services; and Ways and Means.

By the Committee on Business and Professional Regulation; and Representative Heyman and others—

**CS for HB 467**—A bill to be entitled An act relating to domestic violence; amending s. 381.0038, F.S.; requiring the acquired immune deficiency syndrome program to contain certain additional information related to domestic violence; amending s. 415.603, F.S.; clarifying duties of the Department of Health and Rehabilitative Services with respect to domestic violence centers; requiring the department to promote involvement of certified domestic violence centers under certain circumstances; revising funding of a certain statewide association with respect to domestic violence; amending s. 415.605, F.S.; providing additional duties of domestic violence centers; creating s. 455.222, F.S.; requiring certain licensing boards to require special education on domestic violence for certain licensees; providing criteria; providing procedures; providing penalties; requiring certain licensing boards to report to the Legislature; amending s. 626.9541, F.S.; specifying that health insurers or managed care providers who engage in certain activities relating to policies and claims on the basis of abuse are engaging in an unfair method of competition or an unfair or deceptive act or practice; defining the term "abuse" for such purposes; providing an effective date.

—was referred to the Committees on Health and Rehabilitative Services; Governmental Reform and Oversight; Judiciary; and Ways and Means.

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

**CS for HB's 491 and 791**—A bill to be entitled An act relating to criminal justice standards and training; amending s. 943.13, F.S.; providing that the affidavit-of-applicant form be retained by the employing agency; amending s. 943.133, F.S.; requiring applicant information for a background investigation; amending s. 943.1395, F.S., relating to investigation of complaints and disciplinary action with respect thereto; prescribing guidelines and time limits for completion of investigations; providing for review of disciplinary penalties under specified circumstances; amending s. 943.1397, F.S., relating to officer certification examinations and fees; authorizing the Criminal Justice Standards and Training Commission to establish procedures relating to student examination reviews and remedial training program requirements; amending s. 943.14, F.S.; providing for renaming of the Criminal Justice Training Trust Fund as the Criminal Justice Standards and Training Trust Fund; amending s. 943.17, F.S.; authorizing changes to commission-approved curricula; amending s. 943.1701, F.S.; providing that the commission, rather than the Department of Law Enforcement, shall develop domestic violence training policy; amending s. 943.173, F.S.; providing for supervision of examinations; amending s. 943.25, F.S.; providing for renaming of the training trust fund and reestablishing the use of training trust fund moneys; amending s. 401.435, F.S., relating to the emergency medical services first responder training course; providing an exemption from training; amending s. 943.10, F.S.; redefining "officer" and defining "parole law enforcement officer"; amending s. 947.04, F.S.; authorizing the Parole Commission to designate employees who are certified as parole law enforcement officers; amending s. 316.193, F.S., relating to driving under the influence; providing for the deposit of a portion of certain fines into the Criminal Justice Standards and Training Trust Fund; terminating the Administrative Trust Fund of the Department of Law Enforcement and providing for transfer of funds thereof to the Criminal Justice Standards and Training Trust Fund; providing an effective date.

—was referred to the Committee on Governmental Reform and Oversight.

By the Committee on Health Care and Representative Chestnut and others—

**CS for HB 497**—A bill to be entitled An act relating to public records; providing certain exemptions from public records and public meetings requirements for university health services support organizations; providing exemptions for meetings at which certain confidential records are discussed and for records generated at exempt meetings; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

—was referred to the Committees on Higher Education; and Governmental Reform and Oversight.

By the Committee on Health Care and Representative Chestnut and others—

**CS for HB 503**—A bill to be entitled An act relating to state universities; creating s. 240.2995, F.S.; authorizing the establishment of university health services support organizations; providing requirements; requiring Board of Regents' rules; requiring postaudits; providing that reports and meetings shall be public records; providing an effective date.

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

By the Committees on Finance and Taxation; and Criminal Justice; and Representative Sublette and others—

**CS for CS for HB 539**—A bill to be entitled An act relating to additional fines for county court facilities or crime prevention programs; amending s. 57.081, F.S.; requiring an indigent seeking a waiver of prepayment of costs to any judge, clerk, or sheriff to include in an affidavit a statement that the applicant has not paid more than a specified amount to another in connection with the legal proceeding; providing an alternative procedure; creating s. 939.18, F.S.; providing for an additional assess-

ment 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; requiring clerks of court to submit specified financial reports; providing that certain assessments established by ordinance prior to the effective date shall remain in effect; providing an effective date.

—was referred to the Committees on Criminal Justice; Community Affairs; and Ways and Means.

By Representative Kelly—

**HB 543**—A bill to be entitled An act relating to psychotherapeutic services; amending ss. 627.6471 and 627.6472, F.S.; requiring insurers to provide eligibility criteria for providers of psychotherapeutic services under certain circumstances; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By the Committee on Natural Resources and Representative Harris and others—

**CS for HB 567**—A bill to be entitled An act relating to air emissions trading; creating s. 403.08735, F.S.; establishing a state generic bubble rule; allowing emissions trading within a single source if source consistent with federal law; including elements necessary to obtain approval from the United States Environmental Protection Agency; creating an Air Emissions Trading Commission; requiring the comprehensive air emissions trading program include banking and trading of emissions reduction credits and offsets; requiring that the commission consider facility-wide applicability limits; requiring the commission to report back to the Legislature by January 15, 1996; providing for adoption of rules; requiring the Department of Environmental Protection to conduct a study to determine the cost and environmental benefit of emissions credit generation; amending s. 403.0872, F.S., relating to operation permits for major sources of air pollution; prohibiting the Department of Environmental Protection from imposing certain penalties or interest on an amount underpaid for the annual operation license fee under certain circumstances; providing legislative intent; providing an appropriation; providing an effective date.

—was referred to the Committees on Natural Resources; and Ways and Means.

By the Committee on Claims and Representative Cosgrove and others—

**CS for HB 585**—A bill to be entitled An act for the relief of Jean Sadowski; providing compensation to her for losses suffered and other damages sustained as a result of the negligence of the Department of General Services; providing an effective date.

—was referred to the Special Master; and the Committees on Judiciary; and Ways and Means.

By the Committee on Commerce and Representative Rojas and others—

**CS for HB 595**—A bill to be entitled An act relating to labor regulations; creating part II of chapter 448, F.S.; creating the "Labor Pool Act"; providing legislative intent; providing definitions; providing exclusions; providing duties and rights with respect to labor pools; providing remedies, damages, and costs; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Judiciary; and Ways and Means.

By the Committee on Criminal Justice and Representative B. Saunders—

**CS for HB 663**—A bill to be entitled An act relating to victims of crime; 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 examination of a victim of an alleged sexual

offense; reenacting and amending s. 960.28, F.S.; requiring the Crime Victims' Services Office to pay for the full cost of sexual offense victims' initial forensic physical examinations; providing that victims shall not be required to pay certain costs; deleting certain provisions related to payment; amending s. 415.507, F.S.; requiring the Crime Victims' Services Office to pay for the full cost of sexual offense victims' initial forensic physical examinations when the victim is a child; providing effective dates.

—was referred to the Committees on Criminal Justice; and Ways and Means.

By the Committees on Appropriations and Corrections and Representative Sindler and others—

**CS for HB 687**—A bill to be entitled An act relating to corrections; creating the "Stop Turning Out Prisoners Act"; amending s. 944.275, F.S., relating to gain-time; revising guidelines with respect to eligibility for gain-time; providing a maximum limitation of 10 days upon the amount of incentive gain-time granted with respect to specified sentences; conforming language relating to incentive gain-time granted by the Department of Corrections; creating s. 944.281, F.S.; granting rulemaking authority to the department relating to ineligibility for gain-time due to disciplinary action; amending s. 775.082, F.S.; providing that persons convicted of any capital felony are ineligible for parole; providing an effective date.

—was referred to the Committees on Criminal Justice; and Ways and Means.

By the Committee on Commerce and Representative Warner and others—

**CS for HB 717**—A bill to be entitled An act relating to registered limited liability partnerships; creating ss. 620.78, 620.785, 620.79, 620.80, 620.81, 620.82, 620.825, 620.83, 620.835, 620.84, 620.845, and 620.85, F.S.; providing requirements and procedures for becoming a registered limited liability partnership; providing for cancellation of registration; providing for liability of partners; providing for naming registered limited liability partnerships; requiring insurance or letters of credit; providing effect of a statement of registration or renewal; providing for regulation of certain partnerships; authorizing a domestic limited partnership to become a registered limited liability partnership; providing for foreign registered limited liability partnerships; providing for cancellation of registration as a foreign registered limited liability partnership; providing for application to foreign and interstate commerce; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Ways and Means.

By the Select Committee on Educational Facilities and Representative Feren and others—

**CS for HB 737**—A bill to be entitled An act relating to educational facilities; amending s. 235.211, F.S.; providing for reuse of certain documents; deleting certain selection process requirements; authorizing boards to purchase architectural services under an existing contract if certain conditions are met; amending s. 287.055, F.S., relating to purchase of professional services; revising provisions relating to intended reuse of plans by school boards; saving ss. 235.211 and 235.31, F.S., from repeal; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By the Committee on Governmental Operations and Representative Flanagan—

**CS for HB 819**—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; providing an exemption from public records requirements for a specified period for information that reveals certain information about a victim of certain crimes, upon written request of the victim; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was referred to the Committee on Criminal Justice.

By the Committee on Higher Education and Representative Garcia and others—

**CS for HB 821**—A bill to be entitled An act relating to educational assessment; naming the “Robert H. McCabe CLAST and Other Skills Act”; providing intent; amending s. 229.053, F.S., relating to the powers of the State Board of Education; requiring additional duties; amending s. 231.17, F.S., relating to the certification of teachers; providing for alternative assessments of minimum competency; amending s. 240.107, F.S., relating to the college-level communication and computation skills examination; deleting a reporting requirement; providing for alternative assessments of academic proficiency; amending s. 240.311, F.S., relating to the powers of the State Board of Community Colleges; deleting reference to test information; amending s. 240.324, F.S., relating to the community college accountability process; deleting reference to performance rates on academic skills tests; providing an effective date.

—was referred to the Committees on Higher Education; and Ways and Means.

By Representative Culp and others—

**HB 829**—A bill to be entitled An act relating to identification cards; amending s. 322.051, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to administer a pilot project to issue identification cards to individuals under 12 years of age; providing an effective date.

—was referred to the Committees on Transportation; and Ways and Means.

By the Committee on Natural Resources and Representative Eggelation—

**CS for HB 855**—A bill to be entitled An act relating to the Environmental Regulation Commission; amending s. 20.255, F.S.; clarifying membership requirements of commissioners; amending s. 403.804, F.S.; authorizing the commission to exercise specified standard-setting authority of the Department of Environmental Protection; prohibiting the commission from establishing department policies, priorities, plans, or directives; amending s. 403.805, F.S.; granting the Secretary of the Department of Environmental Protection rulemaking authority; requiring the secretary to submit proposed rules to the commission for certain action; providing an effective date.

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

By Representative Rayson and others—

**HB 879**—A bill to be entitled An act relating to fireworks; creating s. 791.012, F.S., providing that the outdoor display of fireworks in this state shall be governed by the NFPA 1123 Code for the Outdoor Display of Fireworks, 1990 Edition; directing the Division of State Fire Marshal to make appropriate rules; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Ways and Means.

By the Committee on Transportation and Representative Minton—

**CS for HB 1161**—A bill to be entitled An act relating to seaplanes and helistops; amending s. 330.30, F.S.; providing certain helistops an exemption from airport licensing requirements; amending s. 330.36, F.S.; revising a provision that authorizes municipalities to regulate seaplane landings; providing an effective date.

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

By Representative Edwards and others—

**HB 1199**—A bill to be entitled An act relating to disposition of trust fund moneys; amending s. 318.21, F.S.; revising the formula for distribution of the amounts of civil penalties received by county courts; amending s. 943.25, F.S.; revising deposit provisions related to the Additional Court Cost Clearing Trust Fund; providing an effective date.

—was referred to the Committees on Judiciary; and Ways and Means.

By the Committee on Natural Resources and Representative Horan—

**CS for HB 1205**—A bill to be entitled An act relating to saltwater fisheries; amending s. 370.021, F.S.; providing that a violation involving a specified number of illegal blue crabs constitutes a major violation; providing penalties; amending ss. 370.13, 370.135, and 370.14, F.S., relating to the regulation of stone crabs, blue crabs, and crawfish; providing that only major violations shall require just cause to show why a license should not be suspended or revoked; providing definitions of “major violation” to include additional violations that constitute a major violation for such purpose; providing for a restriction on the renewal of certain stone crab numbers; designating stone crabs as a restricted species; providing for renewal of trap numbers in the event of the death of a person holding an active trap number; providing for transfer of certain licenses when vessels are replaced; amending s. 370.153, F.S.; providing additional requirements with respect to live shrimp production; revising language with respect to dead shrimp production; renaming certain licenses; providing an effective date.

—was referred to the Committees on Natural Resources; and Ways and Means.

By the Committee on Education and Representative Chestnut and others—

**CS for HB 1211**—A bill to be entitled An act relating to district school boards; amending s. 237.02, F.S.; revising provisions relating to school board expenditures; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By the Committee on Insurance and Representative Wasserman Schultz—

**CS for HB 1229**—A bill to be entitled An act relating to insurance; amending s. 624.124, F.S.; referring to a definition of “motor vehicle” for purposes of the section; creating s. 624.129, F.S.; exempting from the Insurance Code certain recovery and location services; providing an effective date.

—was referred to the Committees on Banking and Insurance; Commerce and Economic Opportunities; and Ways and Means.

By the Committee on Natural Resources and Representative Couch—

**CS for HB 1249**—A bill to be entitled An act relating to the Geneva Freshwater Lens; creating the “Geneva Freshwater Lens Protection Act”; providing legislative findings; requiring the St. Johns River Water Management District to establish the boundaries of the Geneva Freshwater Lens recharge area; directing certain agencies to implement certain recommendations of the Geneva Freshwater Lens Task Force by certain times; providing an effective date.

—was referred to the Committee on Natural Resources.

By the Committee on Insurance and Representative Ziebarth and others—

**CS for HB 1263**—A bill to be entitled An act relating to insurance; amending s. 627.4137, F.S.; authorizing certain enforcement actions to compel production of certain information under certain circumstances; providing an entitlement to injunctive relief under certain circumstances;

providing for recovery of economic damages, attorney's fees, and costs; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Judiciary.

By Representative Horan—

**HB 1301**—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.

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

By the Committee on Insurance and Representative Peadar—

**CS for HB 1323**—A bill to be entitled An act relating to firesafety; amending s. 213.053, F.S.; providing confidentiality to subpoenas issued by the State Fire Marshal; amending s. 553.79, F.S.; authorizing certain contractors to design described fire sprinkler systems; amending s. 553.895, F.S.; providing an exemption from sprinkler requirements for certain parking garages; creating s. 627.0654, F.S.; providing for insurance premium discounts for buildings with fire sprinklers; amending ss. 633.01, 633.021, 633.025, and 633.161, F.S.; deleting obsolete cross references and clarifying language; revising the definition of certain contractors to provide that such contractors may design described fire sprinkler systems; amending s. 633.022, F.S.; requiring the Department of Insurance to establish firesafety standards for motion picture and television special effects operations; deleting an obsolete cross reference; amending s. 633.052, F.S.; authorizing certain counties and municipalities to enforce firesafety code violations under certain circumstances; amending s. 633.061, F.S.; revising the requirements for engaging in the business of servicing, inspecting, and installing fire extinguishers and systems; clarifying language; amending s. 633.081, F.S.; requiring firefighters to be supervised by firesafety inspectors when performing inservice inspections; amending s. 633.085, F.S.; deleting a requirement for annual inspection by the State Fire Marshal for state-leased space in lieu of plans review; amending s. 633.111, F.S.; deleting a provision concerning hearings for release of active investigative information; amending s. 633.175, F.S.; excluding certain investigators employed by an insurance company or employed by the National Insurance Crime Bureau from liability for damages for furnishing certain information concerning fires suspected to be other than accidental under certain circumstances; amending s. 633.35, F.S.; clarifying training requirements for firefighter certification; creating s. 633.352, F.S.; providing examination requirements for maintaining firefighter certification; amending s. 633.382, F.S.; clarifying a definition; revising provisions specifying qualifications for supplemental compensation; amending s. 633.44, F.S.; clarifying the purposes of the Florida State Fire College; amending s. 633.537, F.S.; prohibiting renewal of a certificate of competency unless the certificateholder produces certain evidence of continuing education; amending s. 633.541, F.S.; prohibiting persons from performing certain acts without a certificate; providing limitations on the use of certificates to qualify an organization; requiring the certificateholder to be a full-time employee of the qualified company; requiring a contractor to employ a certificateholder at each business location; providing exceptions for governmental employees; prohibiting a contractor from allowing uncertified contractors to act as contractors; prohibiting certain acts with respect to construction permits; providing criminal and administrative penalties; repealing s. 633.351(3), F.S., relating to maintenance of certification as a firefighter, providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Representative Peoples—

**HB 1341**—A bill to be entitled An act relating to audits of district school boards; amending s. 11.45, F.S., relating to audits; authorizing a district school board to employ an internal auditor; requiring a certified public accountant performing an audit to report directly to the district school board or its designee; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By the Committee on Criminal Justice and Representative Hafner—

**CS for HB 1343**—A bill to be entitled An act relating to law enforcement; amending s. 901.15, F.S., relating to lawful arrest by a law enforcement officer without warrant; authorizing such arrest under certain circumstances on the officer's reasonable belief that a misdemeanor is being committed that involves violence or imminent danger to another person, that involves weapons or firearms, or that is concurrent with or incidental to another arrest; clarifying priority over other provisions of law; authorizing such arrest based on probable cause for the officer's believing an offense of disruption of an educational institution has been committed; amending s. 901.252, F.S.; authorizing municipal law enforcement officers to patrol certain property leased by the municipality; providing an effective date.

—was referred to the Committee on Criminal Justice.

By the Committee on Commerce and Representative Hafner and others—

**CS for HB 1375**—A bill to be entitled An act relating to motor vehicle leasing; creating the "Motor Vehicle Lease Disclosure Act"; providing that the act does not supersede other specified laws or rules; providing definitions; requiring that a retail lessor of a motor vehicle make certain disclosures to the lessee; requiring the lease agreement to include a form that contains specified information with respect to the cost of the transaction; requiring a trade-in vehicle to be identified in the lease agreement; providing civil remedies; providing an effective date.

—was referred to the Committee on Governmental Reform and Oversight.

By the Committee on Higher Education and Representative Upchurch and others—

**CS for HB 1391**—A bill to be entitled An act relating to home education; amending s. 240.116, F.S.; providing for dual enrollment for home education program students; providing requirements; amending s. 232.425, F.S.; authorizing participation of home education program students in interscholastic extracurricular student activities in the public schools; amending s. 236.013, F.S.; authorizing after-school supplemental instruction; providing an effective date.

—was referred to the Committees on Education; Higher Education; and Ways and Means.

By Representative Arnold and others—

**HB 1393**—A bill to be entitled An act relating to postsecondary education; amending s. 229.8075, F.S.; authorizing the Florida Education and Training Placement Information Program of the Department of Education to perform additional longitudinal analyses; amending s. 239.233, F.S.; directing the Department of Education to develop a system of performance measures for vocational and technical education programs; requiring the establishment of program standards and reports; providing for rulemaking; amending s. 239.249, F.S.; changing terminology related to vocational education; deleting a time limit placed upon an incentive award; deleting authority to credit certain placements and expenditures to the federal Job Training Partnership Act; revising guidelines for awards of funds for performance-based incentive funding; amending s. 240.311, F.S.; revising requirements of a report from each community college on progress towards meeting state and institutional quality goals; amending s. 240.331, F.S.; conforming provisions; amending s. 240.335, F.S.; eliminating a report by a community college district board of trustees concerning programs to eradicate discrimination in the granting of salaries to employees; amending s. 240.347, F.S.; eliminating salary information in the legislative budget request; providing legislative intent; requiring review by the State Board of Community Colleges of chapter 228, 229, 235, 239, and 240, F.S., relating to community colleges, and other statute sections relating to licensure of occupations and educational requirements related thereto; repealing ss. 239.237 and 240.138, F.S., relating to a vocational and adult education equipment system and the reporting by universities and community colleges of foreign gifts; amending s. 246.041, F.S., relating to an annual review of accreditation stand-

ards; amending s. 246.085, F.S.; authorizing additional nonpublic colleges to apply for a certificate of exemption from licensing requirements; correcting the title of an accrediting body; providing intent language; amending s. 239.117, F.S.; requiring students enrolled in college-preparatory instruction to pay additional costs for continuous enrollment in class; amending s. 239.301, F.S.; limiting state funding for continuous enrollment in college-preparatory coursework; amending s. 240.117, F.S.; providing for the integration of additional skills into the common placement test; revising provisions relating to offering the common placement test; limiting concurrent coursework; requiring passage of the test; limiting state funding for continuous enrollment in college-preparatory coursework; amending s. 240.311, F.S.; providing for rules relating to concurrent coursework; amending s. 240.321, F.S.; permitting other admission requirements to be established by the State Board of Community Colleges; amending s. 240.147, F.S.; providing requirements relating to the master plan prepared by the Postsecondary Education Planning Commission; amending s. 240.209, F.S., relating to Board of Regents' duties; renaming the systemwide master plan as the systemwide strategic plan and providing requirements thereof; amending ss. 240.2093, 240.214, 240.227, 240.299, 243.151, and 282.308, F.S.; conforming provisions; creating s. 240.6045, F.S.; establishing a limited access competitive grant program; providing for identification of high priority employment fields; providing student eligibility; providing for award of grants; providing for rules; providing for an accountability process; amending s. 240.605, F.S., relating to Florida resident access grants; revising provisions relating to the amount of grants; amending s. 240.551, F.S.; providing for funds associated with terminated and canceled contracts; providing for notification and cancellation procedures; providing an effective date.

—was referred to the Committees on Higher Education; and Ways and Means.

By Representative Littlefield—

**HB 1499**—A bill to be entitled An act relating to the regulation of onsite sewage treatment and disposal systems; amending s. 381.0065, F.S.; amending the definition of "available publicly-owned or investor-owned sewerage system"; defining the term "potable water line"; redefining an exemption; amending standards for the placement of onsite sewage treatment and disposal systems; providing for system compliance with specified rules; providing standards for design criteria and for performance criteria; providing for local public health units to approve or disapprove systems and to refer disapprovals to the Department of Health and Rehabilitative Services for a further determination; providing deadlines for such reviews; providing for written notification to the applicant of the department's determination and for the applicant's opportunity to pursue a variance or seek review; providing a standard for water table determinations and soil suitability modifying the application submission process; requiring connection of certain onsite sewage treatment and disposal systems to available public-owned or investor-owned sewerage systems under certain circumstances; providing application; providing an exception; providing criteria for sewer service and sewer services charges relating to certain onsite sewage systems; amending s. 381.0066, F.S., to conform cross-references; amending s. 381.0068, F.S.; redesignating the technical review panel as the technical review and advisory panel; providing duties of the panel; providing for panel membership, terms, meetings, and reimbursement; requiring the department to present proposed rules to the panel for comment; requiring the department to keep minutes of panel meetings; repealing s. 381.00655, F.S., relating to connection of existing onsite sewage treatment and disposal systems to central sewerage systems; providing an effective date.

—was referred to the Committees on Health Care; and Ways and Means.

By the Committee on Insurance and Representative Ogles and others—

**CS for HB 1533**—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 to purchase or 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 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; amending ss. 627.6418 and 627.6613, F.S.; expanding mammography coverage required to be provided under insurance policies issued in this state; limiting applicability of certain coverage; 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; creating s. 641.3109, F.S.; requiring health maintenance organization contracts to provide coverage for mammograms; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Representative Morroni—

**HB 1575**—A bill to be entitled An act relating to preschool education; requiring the State Board of Education to adopt rules establishing the ratio of adults to children in preschool classes for children who have disabilities; requiring certain training, subject to approval by the Department of Education and the Department of Health and Rehabilitative Services, for paraprofessional employees who teach preschool children who have disabilities; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By the Committee on Commerce and Representative Brown and others—

**CS for HB 1649**—A bill to be entitled An act relating to revolving retail installment sales accounts; amending s. 520.35, F.S.; revising language with respect to revolving accounts; providing for a fee not to exceed a certain amount for each payment in default; deleting language providing for no fee for delinquency charges of a certain amount; amending s. 520.07, F.S.; except when ch. 681 applies, authorizes a retail installment contract to provide alternatives to a buyer if the buyer rejects or revokes acceptance of a motor vehicle under certain conditions; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Governmental Reform and Oversight.

By the Committee on Community Affairs and Representative Turnbull and others—

**CS for HB 1659**—A bill to be entitled An act relating to local government comprehensive planning; amending s. 163.3167, F.S., prohibiting an initiative or referendum in regard to any development order or local comprehensive plan or map amendment that affects five or fewer parcels of land; amending s. 163.3184, F.S.; revising requirements relating to review of plan amendments by the state land planning agency; revising the time period for review by the agency of amendments that result from a compliance agreement; revising the requirements for publication of notice of intent by the agency to find a comprehensive plan or plan amendment in compliance or not in compliance; revising requirements relating to administrative proceedings subsequent to a notice of intent by the agency to find a plan amendment adopted pursuant to a compliance agreement in compliance; amending s. 163.3187, F.S.; revising conditions under which small scale development amendments may be made to a comprehensive plan without regard to statutory limits on the frequency of plan amendments; revising notice requirements; providing for challenge to such amendments; providing for hearings and findings by the hearing officer and the agency; providing effective date of such amendments; providing for a report by the agency relating to an increase in the annual total acreage threshold for small scale amendments; amending ss. 163.3177 and 163.3202, F.S.; extending the deadline for adoption and implementation of plan amendments and land development regulations to implement portions of the intergovernmental coordination element; directing the state land planning agency to evaluate rules and statutes regarding the intergovernmental coordination element, in consultation with a technical committee, and submit its recommendations, including

a proposed new rule, to the Governor and Legislature; providing for legislative review of the rule and providing for adoption thereof; providing for repeal of existing rules; amending s. 163.3191, F.S.; providing that the schedule for completion and transmittal of plan amendments to implement portions of that element shall not be dependent upon or established by the rule adopting a schedule for submittal of evaluation and appraisal reports; extending the deadline for completion of a sufficiency determination of an evaluation and appraisal report; amending s. 186.507, F.S.; revising provisions relating to the adoption of a strategic regional policy plan and amendments thereto by the governing body of a regional planning council; amending s. 380.06, F.S., relating to developments of regional impact; revising provisions relating to notice of adoption of or amendments to a development order; increasing the extension period for the date of a buildout of a development which is presumed to create a substantial deviation; specifying extension periods that are not substantial deviations; revising provisions relating to calculation of extension periods and effect of extensions; specifying those changes to a development order that are not subject to public hearing or determination requirements and those changes which are not substantial deviations; revising notice requirements with respect thereto; requiring the regional planning agency or state land planning agency to advise a local government and developer of whether it objects to a proposed change to an approved development of regional impact; revising a restriction on appeal by the state land planning agency of a local government's decision on such a change; providing for retroactive effect; revising the statutory exemption for the addition of seats or parking spaces for certain sports facilities; establishing a process to abandon a development of regional impact; providing for rules; amending s. 380.0651, F.S., which provides statewide guidelines and standards to determine whether a development is required to undergo development-of-regional-impact review; providing for review of certain movie theaters; providing guidelines and standards for construction of a public, private, or proprietary postsecondary educational campus; providing an effective date.

—was referred to the Committees on Community Affairs; and Ways and Means.

By the Committee on Commerce and Representative Sanderson and others—

**CS for HB 1669**—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.05, F.S.; substantially revising provisions which specify conditions under which the purchase of a boat or airplane by a nonresident is not subject to said tax; extending the period within which a qualifying boat must be removed from the state after purchase and specifying said period may not be tolled; revising the dates by which the purchaser and seller must provide certain information to the Department of Revenue and requiring such persons to supply additional information; providing liability for tax and penalty if a purchaser fails to supply required information; requiring the selling dealer to affix decals to certain boats; providing duties of the department with respect to development of decals and issuance to dealers; providing for use of the proceeds; providing duties of dealers; providing liability for tax and penalties applicable to dealers and purchasers who attempt to evade the tax; amending s. 212.08, F.S.; amending the tax exemption for prosthetic and orthopedic appliances to exempt such appliances if prescribed by health care practitioners who are licensed under specified chapters of the Florida Statutes; providing for rules and emergency rules; providing for future repeal; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Community Affairs; and Ways and Means.

By the Committee on Business and Professional Regulation; and Representative Dawson—

**CS for HB 1673**—A bill to be entitled An act relating to physician assistants; amending ss. 458.347 and 459.022, F.S.; revising definitions; increasing the number of physician assistants a physician or osteopathic physician may supervise; providing for rules governing supervision of physician assistants by physicians in a county public health unit; revising circumstances under which a physician assistant may prescribe certain medications; revising provisions relating to temporary certification; providing penalties for certain violations by a physician assistant or supervising physician; deleting the Physician Assistant Committee; creating the Council on Physician Assistants; providing membership and duties;

requiring the Department of Legal Affairs to provide legal services to the council; authorizing the Agency for Health Care Administration to allocate certain fees to the Board of Medicine or the Board of Osteopathic Medicine; conforming references to transfer of regulatory responsibilities to the agency; providing an effective date.

—was referred to the Committees on Health Care; Judiciary; and Ways and Means.

By the Committee on Judiciary and Representative Reddick—

**CS for HB 1687**—A bill to be entitled An act relating to the Florida Vacation Plan and Time-Sharing Act; amending s. 721.03, F.S.; revising language with respect to the scope of the act; amending s. 721.05, F.S.; providing definitions; amending s. 721.06, F.S.; providing that sellers and purchasers of timeshare periods must agree in writing on a specific value for each contract benefit; creating s. 721.065, F.S.; providing for resale purchase agreements; amending s. 721.07, F.S.; revising language with respect to public offering statements; creating s. 721.071, F.S.; providing requirements with respect to trade secrets; amending s. 721.075, F.S.; clarifying that incidental benefits must be filed in conjunction with a timeshare plan; amending s. 721.08, F.S.; revising language with respect to escrow accounts, nondisturbance instruments, and alternate security agreements; amending s. 721.10, F.S.; defining the term "benefits made available under the plan" with respect to the right to cancel; amending s. 721.11, F.S.; excluding certain statements from the term "advertising material"; amending s. 721.13, F.S.; revising language with respect to management; amending s. 721.14, F.S.; revising language with respect to the discharge of a managing entity; amending s. 721.15, F.S.; revising language with respect to assessments for common expenses; prohibiting the commingling of certain funds; amending s. 721.20, F.S.; providing an exemption from licensing requirements for persons licensed under chapter 475, F.S., under certain circumstances; amending s. 721.26, F.S.; revising language with respect to regulation by the Division of Florida Land Sales, Condominiums, and Mobile Homes; creating s. 721.265, F.S.; providing for service of process; amending s. 721.27, F.S.; clarifying language with respect to the annual fee for each timeshare period in a timeshare plan; amending s. 721.51, F.S.; revising language with respect to legislative purpose; amending s. 721.52, F.S.; providing definitions; amending s. 721.53, F.S.; revising language with respect to subordination agreements and alternate security arrangements; amending s. 721.54, F.S.; relating to the term of multisite timeshare plans; amending s. 721.55, F.S.; providing for public offering statements with respect to multisite timeshare plans; creating s. 721.551, F.S.; providing for the delivery of multisite timeshare plan public offering statements; creating s. 721.552, F.S.; providing for additions, substitutions, or deletions of component site accommodations or facilities; creating s. 721.553, F.S.; providing for the portrayal of proposed component sites; amending s. 721.56, F.S.; revising language with respect to the management of multisite timeshare plans and reservation systems; creating s. 721.301, F.S.; creating the Florida Timesharing, Vacation Club, and Hospitality Program; specifying activities; allowing designation of funds from the Division of Florida Land Sales, Condominiums and Mobile Homes Trust Fund; requiring private match for such funds; requiring a report; authorizing rule-making; providing appropriations; directing the Division of Florida Land Sales, Condominiums, and Mobile Homes to conduct a study; providing for the application of certain portions of the act; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Judiciary; and Ways and Means.

By Representative Gay—

**HB 1721**—A bill to be entitled An act relating to cellular telephone counterfeiting; creating s. 817.4821, F.S.; providing definitions; prohibiting, and providing a penalty for, knowing, unlawful possession or sale of a "cloned cellular telephone," as defined; prohibiting, and providing a penalty for, knowing, unlawful possession of an instrument capable of intercepting "electronic serial number" and "mobile identification number" combinations, as defined; prohibiting, and providing a penalty for, knowing, unlawful possession of "cloning paraphernalia," as defined, with intent to use same to create clone cellular telephones; providing exceptions; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Criminal Justice; and Ways and Means.

By the Committee on Insurance and Representative Johnson—

**CS for HB 1745**—A bill to be entitled An act relating to insurance; requiring health insurance policies to provide coverage for nonprescription enteral formulas for home use under certain circumstances; providing application; amending s. 624.438, F.S.; establishing licensing standards for multiple-employer welfare arrangements; providing an exception; amending s. 626.561, F.S.; clarifying its application of certain penalties to certain actions; 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; creating s. 626.9891, F.S.; providing for insurer anti-fraud actions; requiring insurers to file certain information with the Division of Insurance Fraud; requiring insurer to file anti-fraud plans with the division; specifying contents of anti-fraud plans; 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.

—was referred to the Committees on Banking and Insurance; Criminal Justice; and Ways and Means.

By Representative Crady and others—

**HB 1769**—A bill to be entitled An act relating to motor vehicle license plates; creating s. 320.08068, F.S.; providing for the creation of an American Cancer Society license plate; providing fees; providing for the disposition of fees; providing for deauthorization; providing for the design of the license plates; providing for the administration of the annual use fees generated by the license plates; providing restrictions; providing legislative intent with respect to the use of revenues; providing an effective date.

—was referred to the Committees on Transportation; and Ways and Means.

By Representative Valdes—

**HB 1785**—A bill to be entitled An act relating to contracts between sales representatives and principals for wholesale sales contracts; amending s. 686.201, F.S.; revising the requirements for contracts between sales representatives who solicit orders on behalf of principals; providing that such contracts may be oral or written; providing that a principal may be in-state or out-of-state; defining the term "termination" for purposes of the section; providing for the due date of certain commissions; providing for damages; providing for jurisdiction over out-of-state principals who enter into contracts subject to the section; prohibiting a waiver of any provision of the section; providing that certain oral contracts are unenforceable; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Judiciary.

By Representative Meek and others—

**HB 1787**—A bill to be entitled An act relating to emergency management; creating part III of chapter 252, F.S.; creating the "Southern Regional Emergency Management Assistance Compact"; providing for legislative purpose and authorities; providing for general implementation; providing for party state responsibilities; providing limitations; providing requirements with respect to licenses and permits; providing for liability; providing for compensation; providing for reimbursement; providing for evacuation; providing for implementation; providing for validity and application; providing an effective date.

—was referred to the Committees on Community Affairs; Governmental Reform and Oversight; and Ways and Means.

By the Committee on Business and Professional Regulation; and Representative King and others—

**CS for HB 1807**—A bill to be entitled An act relating to the regulation of athlete agents; amending s. 468.451, F.S.; revising language with respect to legislative intent, amending s. 468.452, F.S.; providing definitions; amending s. 468.453, F.S.; requiring the licensure of athlete agents; providing for qualifications; providing for examinations; providing for a bond; creating s. 468.4535, F.S.; providing exceptions; creating s. 468.4536, F.S.; providing for licensure renewal; amending s. 468.454, F.S.; revising language with respect to contracts; amending s. 468.456, F.S.; revising language with respect to prohibited acts; creating s. 468.4561, F.S.; providing for unlicensed activity; providing penalties for violations; creating s. 468.4562, F.S.; providing for civil actions by institutions; creating s. 468.4563, F.S.; providing for continuing education; creating s. 468.4564, F.S.; requiring the display of license; creating s. 468.4565, F.S.; providing for a business records requirement; amending s. 468.457, F.S.; revising language with respect to rulemaking; creating s. 468.4571, F.S.; providing for savings clauses; repealing s. 240.5337, F.S., relating to entry into agent contracts by student athletes; repealing s. 240.5338, F.S., relating to violation of NCAA provisions resulting in penalty or sanction to a university or college; repealing s. 468.455, F.S., relating to suspension or revocation of registration of athlete agents; providing an appropriation; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; and Ways and Means.

By Representative Horan—

**HB 1817**—A bill to be entitled An act relating to public records; creating s. 625.195, F.S.; providing an exemption from public records requirements for reports obtained by or disclosed to the Department of Insurance under the Materials Transaction Act; providing for future review and repeal; providing a finding of public necessity; amending s. 119.07, F.S.; exempting certain records from public records requirements; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Representative Boyd and others—

**HB 1821**—A bill to be entitled An act relating to building construction; exempting certain persons from certain permit requirements of the Department of Environmental Protection, and lease requirements of the Board of Trustees of the Internal Improvement Trust Fund, for certain purposes; providing applicability of local codes; providing for compliance with National Flood Insurance Program regulations; providing for an extension of certain leases for a specified period of time; providing variance of septic tank rules and regulations under certain circumstances; providing an effective date.

—was referred to the Committees on Community Affairs; Natural Resources; and Ways and Means.

By the Committee on Tourism and Cultural Affairs; and Representative Bitner—

**CS for HB 1827**—A bill to be entitled An act relating to public lodging establishments; amending s. 509.013, F.S.; redefining the term "transient occupancy"; amending s. 509.291, F.S.; increasing the membership of an advisory council; amending s. 509.072, F.S.; limiting uses of moneys deposited into the Hotel and Restaurant Trust Fund from the assessment against public lodging and public food service establishments; amending s. 509.291, F.S.; increasing the membership of an advisory council; amending s. 509.302, F.S.; prescribing additional duties of the Director of the Division of Hotels and Restaurants and the director of education of the program; authorizing the program to affiliate with certain institutions in the State University System; providing budgetary requirements for the program; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Ways and Means.

By the Committees on Finance and Taxation; and Commerce; and Representative Ascherl—

**CS for CS for HB 1853**—A bill to be entitled An act relating to economic development; creating s. 125.0125, F.S., relating to county economic development powers; providing legislative findings; allowing the governing body of a county to expend public funds to attract and retain business enterprises; declaring that such expenditures constitute a public purpose; providing a list of economic development activities for which expending funds constitutes a public purpose; amending s. 290.0065, F.S.; redesignating enterprise zones in a county as defined in s. 125.011(1), F.S.; allowing for the relocation and modification of certain enterprise zones; removing restrictions on department's approval authority; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Community Affairs; Ways and Means; and Rules and Calendar.

By the Committee on Commerce and Representative Clemons and others—

**CS for HB 1893**—A bill to be entitled An act relating to unemployment compensation; amending s. 443.036, F.S.; revising certain definitions; providing an additional definition; modifying the definition of "employment" to postpone coverage of certain alien agricultural workers, known colloquially as "H2A" workers; amending s. 443.091, F.S.; clarifying certain benefit eligibility conditions; amending s. 443.101, F.S.; revising a definition; amending s. 443.111, F.S.; providing requirements to establish a benefit year; revising the determination of an individual's weekly benefit amount; revising certain provisions determining duration of benefits; revising certain eligibility requirements for extended benefits; amending s. 443.131, F.S.; revising certain criteria for determining contribution rates based on benefit experience; providing for reverting certain employers to initial rate status under certain circumstances; increasing certain response periods; amending s. 443.141, F.S.; increasing certain response periods; amending s. 443.151, F.S.; clarifying certain provisions relating to determinations of claims; requiring the Department of Management Services to establish qualifications for appeals referees; clarifying provisions relating to appeals of claims; reviving, readopting, and amending s. 443.231, F.S.; reauthorizing the Florida Training Investment Program; increasing a benefits limitation; repealing s. 5, chapter 92-38, Laws of Florida, relating to repeal of s. 443.231, F.S.; providing for future repeal of s. 443.231, F.S., relating to the Florida Training Investment Program; amending s. 443.036, F.S.; providing a definition; amending s. 443.131, F.S.; deleting a rounding requirement for a final adjustment factor; providing for cancellation of benefits charged to an employer's account in the amount of voluntary payments made by an employer for certain purposes; providing procedures; providing for a surcharge; providing limitations; providing for future repeal; providing effective dates.

—was referred to the Committees on Commerce and Economic Opportunities; and Ways and Means.

By Representative Arnold—

**HB 1901**—A bill to be entitled An act relating to instructional materials; amending s. 233.07, F.S.; deleting determination of number of titles by the Commissioner of Education; redefining the term "instructional materials"; amending s. 236.122, F.S.; revising provisions relating to allocation of funds; creating s. 236.1221, F.S.; requiring school district policies for funding; creating s. 233.0655, F.S.; authorizing district school boards to allow teachers and administrators to read or post certain writings, documents, and records related to American history; providing for distribution of the section; creating s. 231.241, F.S.; providing for pilot programs for renewal of professional certificates; providing procedures; providing fees; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By Representative Smith—

**HB 1903**—A bill to be entitled An act relating to the military; amending s. 250.10, F.S.; directing the Adjutant General of the state to establish by directive of the Department of Military Affairs an organization to be

known as the Florida National Guard Morale, Welfare, and Recreation organization; providing for the location of the organization and its functions; amending s. 250.10, F.S.; providing for an Assistant Adjutant General for Army and an Assistant Adjutant General for Air; amending s. 250.34, F.S.; relating to compensation while injured and prescribing limitation of benefits while on active service and subject to disability pay; creating s. 250.5201, F.S.; providing for a stay of proceedings in court when troops are called out in state service for a certain period; creating s. 250.52015, F.S.; providing for determination of state active duty status by plaintiff; creating s. 250.5202, F.S.; providing for the stay of eviction or distress actions during a period of state active duty; creating s. 250.5203, F.S.; providing a maximum rate of interest on obligations or liabilities of persons in state active duty; creating s. 250.5204, F.S.; providing requirements with respect to installment contracts for the purchase of property by persons in state active duty; providing a penalty for repossession under certain circumstances; providing procedures; creating s. 250.5205, F.S.; providing requirements with respect to mortgages and trust deeds with respect to persons in state active duty; providing a penalty for certain sales, foreclosures, or seizure of such property; amending s. 932.7055, F.S.; revising provisions relating to proceeds from the disposition of liens and forfeited property with respect to state agencies; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; and Ways and Means.

By the Committee on Natural Resources and Representative Minton—

**CS for HB 1929**—A bill to be entitled An act relating to state lands; amending s. 259.032, F.S.; providing legislative intent relating to requiring an approved conservation plan for purchase and management of state lands; amending s. 259.101, F.S.; providing for disposition of Preservation 2000 lands under certain circumstances; providing for alternative governmental uses of certain lands; amending s. 380.0677, F.S.; specifying conditions under which a property owner participating in the Green Swamp Land Authority's land acquisition program may change the land use; providing for the land authority's list to be merged with either the Conservation and Recreation Lands list or the Save Our Rivers acquisition lists of the Southwest Florida Water Management District and the St. Johns River Water Management District, as appropriate; providing procedure with respect to reserved funds; providing for retroactive effect; providing effective dates.

—was referred to the Committees on Natural Resources; and Ways and Means.

By the Committee on Claims and Representative Villalobos—

**CS for HB 1933**—A bill to be entitled An act for the relief of Raul Eguaras; providing compensation to him for severe and permanent orthopedic and neurological injuries sustained due to the negligence of the Department of Natural Resources; providing an effective date.

—was referred to the Special Master; and the Committees on Judiciary; and Ways and Means.

By Representative Villalobos—

**HB 1935**—A bill to be entitled An act for the relief of Darcy Cogan; providing compensation to her for injuries sustained due to the negligence of the State of Florida, Department of Environmental Protection, formerly the Department of Natural Resources; providing an effective date.

—was referred to the Special Master; and the Committees on Judiciary; and Ways and Means.

By the Committee on Appropriations and Representative Bradley—

**CS for HB 2017**—A bill to be entitled An act relating to theft, robbery, and related crimes; amending s. 812.015, F.S.; providing definitions; authorizing certain persons to take into custody for certain purposes another person who engages in transit fare evasion or possesses with the intent to commit retail theft, uses, or attempts to use an antishopping

or inventory control device countermeasure; authorizing law enforcement officers to make an arrest for such fare evasion or possession, use, or attempted use; making unlawful the possession with the intent to commit retail theft, use, or attempted use of an antishoplifting or inventory control device countermeasure under certain circumstances; providing a penalty; making unlawful the engaging in the activity of transit fare evasion; providing a penalty; providing an effective date.

—was referred to the Committees on Criminal Justice; and Ways and Means.

By the Committee on Juvenile Justice and Representative Brown and others—

**CS for HB 2023**—A bill to be entitled An act relating to juvenile sexual offenders; amending s. 39.01, F.S.; defining “juvenile sexual offender” and “juvenile sexual abuse”; amending s. 39.044, F.S.; providing procedures when a juvenile sexual offender is placed in detention; requiring detention staff to notify law enforcement and school personnel of a juvenile sexual offender’s release or transfer; amending s. 39.052, F.S.; allowing the court to place a sexual offender in community-based treatment at an adjudicatory hearing; providing procedures for a multidisciplinary assessment, including assessment by certified psychologist, therapist, or psychiatrist; providing for reports; providing court authority to review or revoke treatment; amending s. 39.054, F.S.; authorizing the court, subject to specific appropriation, to commit a juvenile sexual offender to the Department of Juvenile Justice for placement in specified programs; amending s. 39.067, F.S.; requiring outpatient sexual offender counseling, subject to specific appropriation, as a component of aftercare services for a juvenile sexual offender furloughed from a commitment program; creating s. 39.0571, F.S.; creating juvenile sexual offender commitment programs; requiring the Department of Juvenile Justice to establish procedures and protocols with certain agencies; providing contracting authority; requiring quality assurance and certain outcome evaluation efforts; providing rulemaking authority; amending s. 415.50165, F.S.; defining “alleged juvenile sexual offender,” “juvenile sexual abuse,” and “victim”; creating s. 415.50171, F.S.; requiring a family services response system approach to reports of child-on-child sexual abuse by the Department of Health and Rehabilitative Services; providing procedures; requiring certain services to be provided to the victim of juvenile sexual abuse, the alleged juvenile sexual offender, and their caregivers; requiring classification of reports by the department; providing rulemaking authority; amending s. 415.504, F.S.; requiring mandatory reporting and acceptance of juvenile sexual abuse reports by the Department of Health and Rehabilitative Services; providing procedures; requiring the Department of Juvenile Justice, the Juvenile Justice Standards and Training Commission, the Department of Health and Rehabilitative Services, and the Department of Business and Professional Regulation, in a collaborative effort, to study the requirements, licenses, certification, and training of persons providing mental health treatment to juvenile sexual offenders; requiring a report to the Governor and the Legislature; providing an effective date.

—was referred to the Committees on Criminal Justice; Health and Rehabilitative Services; and Ways and Means.

By the Committee on Business and Professional Regulation; and Representative Sindler—

**CS for HB 2025**—A bill to be entitled An act relating to dentistry; amending s. 466.004, F.S., relating to the Board of Dentistry; revising provisions relating to meetings and duties of the Council on Dental Hygiene and the Council on Dental Assisting; amending s. 466.007, F.S., relating to examination of dental hygienists; revising qualifications to take the examination and providing an exemption therefrom for certain graduates of foreign dental colleges or schools; reducing the number of academic years of postsecondary education required; reenacting s. 466.011, F.S., relating to licensure, to incorporate the amendment to s. 466.007, F.S., in a reference thereto; creating s. 466.0075, F.S.; authorizing the Board of Dentistry to require any applicant for the examination to practice dentistry or dental hygiene to carry certain medical malpractice insurance; amending s. 466.023, F.S.; clarifying scope and area of practice of dental hygienists; amending s. 466.0282, F.S.; revising provisions relating to practicing and advertising as a dental specialist; providing purpose and legislative findings and intent; amending s. 466.032, F.S.; providing for biennial registration of dental laboratories; providing an effective date.

—was referred to the Committee on Health Care.

By the Committee on Natural Resources and Representative D. Saunders and others—

**CS for HB 2111**—A bill to be entitled An act relating to ecosystem management; providing legislative intent; directing the Florida Game and Fresh Water Fish Commission to be the lead agency in conducting a demonstration project related to encouraging private property owners to preserve their land in habitat suitable for panthers; providing for a report; directing the Department of Environmental Protection to be the lead agency in conducting a demonstration project in ecosystem management in the Hillsborough River and Bay Ecosystem; authorizing the secretary of the department to enter into agreements with landowners, developers, industry, or a governmental entity; providing for an interim report; providing for a South Walton County Demonstration Project; providing for an interim report; providing an effective date.

—was referred to the Committees on Natural Resources; and Ways and Means.

By Representative King and others—

**HB 2123**—A bill to be entitled An act relating to building designation; designating the entranceway building of the University Center at Florida State University the “T. K. Wetherell Building”; providing for the erection of appropriate markers; designating the St. Lucie Regional Service Center as the Dr. Clem C. Benton Building; directing the Department of Management Services to erect suitable signs; providing an effective date.

—was referred to the Committees on Higher Education; and Governmental Reform and Oversight.

By Representative Mackey—

**HB 2125**—A bill to be entitled An act relating to building designations; designating an agricultural inspection station in Suwannee County as the Wesley L. Silas Agricultural Inspection Station; providing for the erection of markers; amending s. 240.3031, F.S.; changing the name of North Florida Junior College; designating Interstate Highway 10 as the “Pearl Harbor Memorial Highway”; providing for the erection of suitable markers; providing an effective date.

—was referred to the Committee on Agriculture.

By Representative R. Wallace—

**HB 2133**—A bill to be entitled An act relating to public records; repealing s. 257.37, F.S., which provides legislative intent relating to microfilming and destruction of public records pursuant to local act; amending ss. 229.781 and 230.331, F.S., to conform; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; and Education.

By Representative Arnold and others—

**HB 2175**—A bill to be entitled An act relating to Medicaid; amending s. 409.901 F.S.; defining “federally qualified community health center”; creating s. 409.91205, F.S.; providing legislative findings; providing for contracts with health maintenance organizations for provision of services to Medicaid recipients through federally qualified community health centers; specifying requirements for reimbursement for such services; providing an effective date.

—was referred to the Committees on Health Care; and Ways and Means.

By Representative Trammell—

**HB 2307**—A bill to be entitled An act for the relief of Kevin Hoyle and Laura Hoyle, his wife; providing compensation to them for injuries sustained as a result of the negligence of the University of Florida; providing an effective date.

—was referred to the Special Master; and the Committees on Judiciary; and Ways and Means.

By the Committee on Commerce and Representative Lippman and others—

**HB 2313**—A bill to be entitled An act relating to the accounting and auditing duties of the Comptroller and the Department of Banking and Finance; amending s. 17.03, F.S.; providing additional duties and responsibilities of the Comptroller in auditing claims against the state; amending s. 17.04, F.S.; specifying use by the Department of Banking and Finance of certain generally accepted auditing procedures; amending s. 17.076, F.S.; providing a definition; requiring the department to implement local option direct deposit of certain funds; authorizing the department to charge a fee; providing for collection and deposit of such fees; amending s. 17.08, F.S.; clarifying the filing destination of accounts, vouchers, and evidence; amending s. 17.19, F.S.; revising requirements for examination of public official surety bonds; amending s. 17.20, F.S.; authorizing a collection agent of the department to add a fee for services to the amount collected; amending s. 17.26, F.S.; revising the procedure for reporting and remitting funds represented by canceled state warrants as unclaimed property; providing an appropriation; revising annual audit plans of inspector general; providing for an agreement between the Comptroller and the Department of the Lottery relating to payment of invoices; amending s. 20.055, F.S.; providing for use of certain audits by the Comptroller; amending ss. 27.38 and 27.60, F.S.; requiring the Justice Administration Commission to prescribe the format for certain reports; amending ss. 27.181, 28.01, 28.02, 30.01, 30.02, 137.01, 137.02, and 137.04, F.S.; providing duties of the Department of State; amending s. 35.22, F.S.; revising a procedure for handling certain filing fees; amending ss. 40.29, 40.30, 40.31, 40.33, 40.34, and 40.35, F.S.; transferring certain duties of the Comptroller to the State Courts Administrator; amending s. 57.091, F.S.; specifying the Department of Corrections as the active agency in certain fee, cost, and expense provisions; amending s. 61.182, F.S., specifying the Department of Revenue as the agency to administer the Child Support Depository Trust Fund; amending s. 110.113, F.S.; authorizing semimonthly salary payments by the department under certain conditions; amending s. 112.061, F.S.; providing for direct payment of travel expenses in non-emergency situations which result in cost savings; providing for documentation on such savings to be submitted; amending s. 117.01, F.S.; deleting a requirement that certain bonds be approved by the Department of Banking and Finance; amending s. 215.35, F.S.; requiring the Comptroller to maintain certain records of warrants; amending s. 215.422, F.S.; providing the Comptroller with certain additional authority with respect to warrants, vouchers, and invoices; eliminating applicability of the section to payments made to state agencies, the judiciary, and the Legislature; clarifying certain reporting requirements of the Department of Banking and Finance; amending s. 216.102, F.S.; imposing requirements on certain governmental entities regarding the form of financial information submitted to the Comptroller; amending ss. 219.02, 219.04, 219.05, and 559.21, F.S.; deleting certain duties of the Department of Banking and Finance relating to handling of money, cash book, depositories, and regulation of sales; providing duties of the State Treasurer; amending s. 559.24, F.S.; designating the tax collector to prescribe certain books and records to be kept by certain permittees; providing an appropriation; providing effective dates.

—was referred to the Committees on Banking and Insurance; Governmental Reform and Oversight; and Ways and Means.

By the Committee on Higher Education and Representative Wasserman Schultz and others—

**HB 2337**—A bill to be entitled An act relating to equity in postsecondary education; amending s. 240.5335, F.S.; providing for a challenge grant program; amending s. 240.2475, F.S., relating to the State University System equity accountability program; requiring each state univer-

sity to develop an equity plan to increase the representation of women and minorities in faculty and administrative positions; providing for the submission of reports; requiring the development of a plan for corrective action; providing for administrative evaluations; requiring the development of a budgetary incentive plan; providing for an appropriation; amending s. 240.3355, F.S., relating to the State Community College System equity accountability program; requiring each community college to develop a plan to increase the representation of women and minorities in faculty and administrative positions; providing contents of an employment accountability plan; requiring the development of a plan for corrective action; providing for administrative evaluations; providing for submission of reports; requiring the development of a budgetary incentive plan; providing an effective date.

—was referred to the Committees on Higher Education; and Ways and Means.

By the Committee on Higher Education and Representative Wasserman Schultz and others—

**HB 2339**—A bill to be entitled An act relating to independent postsecondary institutions; amending s. 246.011, F.S.; clarifying purpose; amending s. 246.041, F.S., relating to powers and duties of the State Board of Independent Colleges and Universities; requiring an annual review of accreditation standards; permitting the establishment of the Center for the Study of Florida Government; providing for fee assessments for participation; permitting reviews on behalf of the State Postsecondary Review Entity; amending s. 246.085, F.S.; providing for exemption from licensure; amending s. 246.203, F.S.; clarifying definitions; revising the title of the State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools; amending s. 246.207, F.S., relating to board powers and duties; providing additional reporting requirements; requiring the appointment of committees; expanding eligibility for participation in the Student Protection Fund; authorizing certain contracts; permitting reviews on behalf of the State Postsecondary Review Entity; amending s. 246.213, F.S.; requiring the adoption of certain policies and procedures; providing a process for basic skills remediation; amending s. 246.2235, F.S.; authorizing the establishment of a closed school task force; creating s. 242.621, F.S.; providing for an appropriation for the first accredited osteopathic medical school; creating s. 242.622, F.S.; providing for an appropriation for the first accredited podiatric medical school; directing that changes in terminology in the Florida Statutes be made; providing that s. 240.4093, F.S., not stand repealed; providing an effective date.

—was referred to the Committees on Higher Education; Health Care; Commerce and Economic Opportunities; and Ways and Means.

By the Committee on Aging and Human Services; and Representative Brennan and others—

**HB 2401**—A bill to be entitled An act relating to substance abuse and mental health; replacing the term "alcohol and drug abuse" with the term "substance abuse"; redesignating the district and subdistrict planning councils of the Department of Health and Rehabilitative Services as health and human services boards; amending s. 20.19, F.S.; requiring a substance-abuse and mental health advisory committee; requiring each district health and human services board to prepare a district substance-abuse and mental health plan; amending s. 90.503, F.S.; correcting a cross reference; amending s. 240.514, F.S.; requiring the research and training activities of the Florida Mental Health Institute to be consistent with current and future mental health needs and priorities identified in the state substance-abuse and mental health plan; requiring the institute to prepare an annual report; amending s. 394.65, F.S.; redesignating "The Community Alcohol, Drug Abuse, and Mental Health Services Act" as the "Community Substance-Abuse and Mental Health Services Act"; amending ss. 394.66 and 394.67, F.S.; conforming terminology; amending s. 394.675, F.S.; providing for substance-abuse and mental health continuums of care and defining the term "service cost center"; amending s. 394.73, F.S.; conforming terminology; amending s. 394.74, F.S.; revising contract requirements for local substance-abuse and mental health programs; deleting a contract component; providing for purchase-of-service contracts, cost-reimbursement contracts, and performance contracts; specifying requirements for use of such contracts; providing for granting of qualified provider status to contract service providers; providing for financial management requirements for providers; providing for appoint-

ment of a technical advisory committee to oversee the performance contracting system; requiring an independent evaluation of the department's contracting system; requiring a report; amending s. 394.75, F.S.; amending requirements of the district substance-abuse and mental health plans; requiring the establishment of a substance-abuse and mental health advisory committee; providing for committee membership and duties; expanding the list of state and local agencies that are to be integrated with district substance-abuse and mental health services; modifying the priority population groups to be targeted for services; conforming terminology, amending s. 394.76, F.S.; revising state financial participation with respect to district programs and services; providing requirements for negotiation of purchase-of-service contracts and performance contracts, and for reimbursement of expenditures under cost-reimbursement contracts; prohibiting use of local matching funds for consumer-operated services; clarifying requirements for fixed capital outlay expenditures; amending s. 394.77, F.S.; providing for penalties for failure of a provider of community substance-abuse and mental health services to submit required management information within a specified time; amending s. 394.78, F.S.; conforming terminology; amending s. 394.79, F.S.; prescribing requirements of the state substance-abuse and mental health plan; requiring a state mental health planning council; requiring the research and training activities of the Florida Mental Health Institute to be consistent with current and future mental health needs and priorities identified in the state plan; requiring the institute to prepare an annual report; conforming terminology; amending ss. 394.453, 394.455, and 397.481, F.S.; amending cross references to the Community Substance-Abuse and Mental Health Services Act; creating s. 394.8101, F.S.; requiring licensure of certain community service providers; providing for injunction of unlicensed community service providers; creating s. 394.8102, F.S.; providing requirements for application for licensure; creating s. 394.8103, F.S.; establishing licensure fees; providing an exemption; creating s. 394.8104, F.S.; providing requirements for provisional and regular licensure issuance and renewal; creating s. 394.8105, F.S.; providing for adoption of rules; creating s. 394.8106, F.S.; providing for inspection, right of entry, and access to inspection reports; creating s. 394.8107, F.S.; providing for compliance, termination, penalties, and enforcement; amending s. 394.875, F.S.; conforming references to transfer of licensing authority for residential treatment facilities from the Department of Health and Rehabilitative Services to the Agency for Health Care Administration; exempting substance-abuse programs and services licensed under ch. 397, F.S., from provisions requiring crisis stabilization units and residential treatment facilities to be licensed under ch. 394, F.S.; amending s. 394.876, F.S.; clarifying which agency shall receive applications for licensure; amending s. 394.877, F.S.; clarifying which agency shall charge and receive fees for licensure; amending s. 394.878, F.S.; clarifying which agency shall issue and renew licenses; amending s. 394.879, F.S.; clarifying which agency shall enforce certain regulations; amending s. 394.90, F.S.; clarifying which agency may inspect licensed facilities; amending s. 394.902, F.S.; clarifying which agency may deny, suspend, or revoke a license; amending s. 394.903, F.S.; specifying the role of the Agency for Health Care Administration in receivership proceedings; amending s. 394.904, F.S.; clarifying which agency has responsibility for depositing moneys into the Mental Health Facility Licensing Trust Fund; amending s. 394.907, F.S.; deleting a definition; conforming terminology and references; amending s. 766.101, F.S.; correcting a cross reference; providing an appropriation; providing an effective date.

—was referred to the Committees on Health and Rehabilitative Services; and Ways and Means.

By the Committee on Insurance and Representative Cosgrove and others—

**HB 2405**—A bill to be entitled An act relating to long-term care insurance; amending s. 627.9403, F.S.; requiring certain limited benefit policies to meet certain requirements; providing exceptions and an exemption; amending s. 627.94071, F.S.; revising the minimum standards for home health care benefits; amending s. 627.94072, F.S.; authorizing the Department of Insurance to adopt rules establishing the minimum values for nonforfeiture benefits that must be offered; creating s. 627.94073, F.S.; requiring long-term care policies to provide a minimum grace period for late payment of premium; requiring a notice of cancellation to the policyholder and to a designated secondary addressee; requiring insurers to notify policyholders of right to designate a secondary addressee; requiring reinstatement of a lapsed policy due to cognitive impairment; making legislative findings; requiring the department to

appoint an advisory committee and to make recommendations to the Legislature regarding standardization of policies; providing an appropriation; providing effective dates.

—was referred to the Committee on Banking and Insurance.

By the Committee on Business and Professional Regulation; and Representative Tobin and others—

**HB 2413**—A bill to be entitled An act relating to athletic trainers; revising part XIV of chapter 468, F.S., relating to the regulation of athletic trainers; amending s. 468.70, F.S.; revising legislative findings and intent; amending and renumbering s. 468.71, F.S.; revising and providing definitions; creating s. 468.703, F.S.; creating the Council of Athletic Training and providing its duties; providing for appointment of members, establishment of terms, and compensation and reimbursement for expenses; amending and renumbering s. 468.73, F.S.; revising rulemaking authority; creating s. 468.707, F.S.; requiring licensure of athletic trainers and providing qualifications and requirements therefor; creating s. 468.709, F.S.; providing fees; creating s. 468.711, F.S.; providing for license renewal and continuing education; creating s. 468.713, F.S.; providing responsibilities of athletic trainers; creating s. 468.715, F.S.; prohibiting sexual misconduct in the practice of athletic training; creating s. 468.717, F.S.; specifying violations and providing penalties therefor; creating s. 468.719, F.S.; providing disciplinary actions and the grounds therefor; creating s. 468.721, F.S.; providing a saving clause for registered athletic trainers; amending and renumbering s. 468.75, F.S.; revising and providing exemptions to the part; repealing ss. 468.72 and 468.74, F.S., relating to athletic trainer registration and the Athletic Training Regulatory Task Force; amending s. 232.435, F.S., relating to teacher athletic trainers, to clarify exemption from licensure requirements; amending s. 455.2228, F.S.; requiring instruction on human immunodeficiency virus and acquired immune deficiency syndrome as a part of biennial relicensure; providing an appropriation; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; and Ways and Means.

By the Committee on Business and Professional Regulation; and Representative Tobin and others—

**HB 2433**—A bill to be entitled An act relating to interior design; amending s. 481.201, F.S.; revising purpose; amending s. 481.203, F.S.; revising the definition of "interior design" and providing definitions for "nonstructural element," "reflected ceiling plan," "space planning," "common area," "diversified interior design experience," and "interior decorator services"; amending s. 481.205, F.S.; revising qualifications of certain members of the Board of Architecture and Interior Design; amending s. 481.209, F.S.; revising qualifications required to take the examination for licensure as a registered interior designer; revising requirements with respect to accreditation of programs, schools, and colleges and board approval of unaccredited programs, schools, and colleges; reenacting s. 481.213(2) and (3)(a), F.S., relating to licensure, to incorporate the amendment to s. 481.209, F.S., in references thereto; amending s. 481.213, F.S.; providing that licensure as an architect includes all rights and privileges of licensure as an interior designer; amending s. 481.219, F.S.; providing that certification to offer architectural services includes all rights and privileges of certification to offer interior design services; amending s. 481.229, F.S., relating to exemptions; eliminating reference to qualifying as an interior designer from an exemption relating to making plans and specifications for, or supervising the erection, enlargement, or alteration of certain buildings; providing procedure for a licensed architect to obtain licensure as an interior designer, and for a corporation, partnership, or person operating under a fictitious name which holds a certificate of authorization to provide architectural services to obtain a certificate of authorization to provide interior design services; providing for renewal of such licensure or certification; revising an exemption relating to performing interior design services or interior decorator services for residential applications or retail establishments; amending s. 481.231, F.S.; providing that a licensed architect shall be deemed licensed as an interior designer for purposes of offering or rendering interior design services to a county, municipality, or other local government or political subdivision; amending s. 481.24, F.S.; revising provisions relating to persons licensed as interior designers under earlier requirements; providing an appropriation; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; and Ways and Means.

By the Committee on Business and Professional Regulation; and Representative Tobin and others—

**HB 2459**—A bill to be entitled An act relating to electrical and alarm system contracting; amending s. 489.503, F.S., relating to exemptions from part II of chapter 489, F.S., relating to electrical and alarm system contracting; revising an exemption that applies to school boards, the Board of Regents, and community colleges, to reduce the applicable cost threshold; revising an exemption that applies to telecommunications, community antenna television, and radio distribution systems, to include cable television systems; providing exemptions relating to personal emergency response systems; providing exemptions relating to the monitoring of alarm systems by law enforcement employees or officers or fire department employees or officials, by employees of state or federally chartered financial institutions, or by employees of a business endeavor; amending s. 489.505, F.S.; revising the definitions of “alarm system” and “alarm system contractor” and providing definitions for “personal emergency response system” and “monitoring”; amending s. 489.509, F.S.; changing the due date for the biennial renewal fee for certificateholders and registrants; creating s. 489.5165, F.S.; providing for the regulation of monitoring; requiring certification and providing qualifications and procedures therefor; providing grounds for disciplinary action; providing penalties; providing fees; providing applicability to local occupational licenses and permits and to certified electrical and alarm system contractors; amending s. 489.521, F.S.; providing conditions on qualifying agents qualifying more than one business organization; providing for revocation or suspension of such qualification for improper supervision; amending s. 489.525, F.S.; changing the date for the Department of Business and Professional Regulation to inform local boards and building officials of the names of all certificateholders and the status of the certificates; amending s. 489.537, F.S., relating to certain alarm system registration; eliminating reference to monitoring, to conform to other provisions of the act; providing an appropriation; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; and Ways and Means.

By the Committee on Higher Education and Representative Wasserman Schultz and others—

**HB 2489**—A bill to be entitled An act relating to undergraduate post-secondary education; providing intent language; amending s. 239.117, F.S.; requiring students enrolled in college-preparatory instruction to pay additional costs for continuous enrollment in class; amending s. 239.301, F.S.; limiting state funding for continuous enrollment in college-preparatory coursework; amending s. 240.117, F.S.; providing for the integration of additional skills into the common placement test; revising provisions relating to offering the common placement test; limiting concurrent coursework; requiring passage of the test; limiting state funding for continuous enrollment in college-preparatory coursework; amending s. 240.1201, F.S.; providing that certain members of the United States Armed Services be classified as residents for tuition purposes; providing qualifications; amending s. 240.311, F.S.; providing for rules relating to concurrent coursework; revising requirements of a report from each community college on progress towards meeting state and institutional quality goals; amending s. 240.321, F.S.; permitting other admission requirements to be established by the State Board of Community Colleges; amending s. 229.8075, F.S.; authorizing the Florida Education and Training Placement Information Program of the Department of Education to perform additional longitudinal analyses; amending s. 239.233, F.S.; directing the Department of Education to develop a system of performance measures for vocational and technical education programs; requiring the establishment of program standards and reports; providing for rule-making; amending s. 239.249, F.S.; changing terminology related to vocational education; deleting a time limit placed upon an incentive award; deleting authority to credit certain placements and expenditures to the federal Job Training Partnership Act; revising guidelines for awards of funds for performance-based incentive funding; amending s. 240.331, F.S.; conforming provisions; amending s. 240.335, F.S.; eliminating a report by a community college district board of trustees concerning programs to eradicate discrimination in the granting of salaries to employees; amending s. 240.347, F.S.; eliminating salary information in the legislative budget request; providing legislative intent; requiring review by the State Board of Community Colleges of chapter 228, 229, 235, 239, and 240, F.S., relating to community colleges, and other statute sections relat-

ing to licensure of occupations and educational requirements related thereto; repealing ss. 239.237 and 240.138, F.S., relating to a vocational and adult education equipment system and the reporting by universities and community colleges of foreign gifts; creating s. 242.621, F.S.; providing for an appropriation for the first accredited osteopathic medical school; creating s. 242.622, F.S.; providing for an appropriation for the first accredited podiatric medical school; directing that changes in terminology in the Florida Statutes be made; providing an effective date.

—was referred to the Committees on Higher Education; and Ways and Means.

By the Committee on Governmental Operations and Representative Lawson—

**HB 2493**—A bill to be entitled An act relating to the confidentiality of records of the Department of Banking and Finance; providing exemptions from public records requirements for information relating to investigations conducted by the Division of Financial Investigations; authorizing release of such information to law enforcement and prosecutorial agencies and requiring such agencies to retain such confidentiality; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

—was referred to the Committee on Banking and Insurance.

By the Committee on Higher Education and Representative Wasserman Schultz and others—

**HB 2495**—A bill to be entitled An act relating to undergraduate post-secondary education; amending s. 229.551, F.S.; requiring additional duties of the Articulation Coordinating Committee relating to study of and recommendations for general education courses and courses required for a degree; amending s. 240.115, F.S., relating to the articulation agreement; providing general education requirements; permitting the concurrent enrollment of students across delivery systems; requiring the adoption of rules relating to certain core curricula; providing requirements for general education and degree program coursework; providing for the offering of certain examinations; limiting degree coursework completion requirements; amending s. 240.209, F.S., relating to the duties of the Board of Regents; permitting exceptions to degree coursework completion requirements and prerequisite requirements; requiring recommendation of increased matriculation charge in certain instances; requiring implementation of certain incentive programs; amending s. 240.2099, F.S.; providing for a statewide computer-assisted student advising network; requiring oversight by the State University System and the State Community College System; providing network requirements; amending s. 240.233, F.S.; permitting exemption from foreign language requirements in certain instances; amending s. 240.2333, F.S.; providing for an additional means to measure foreign language proficiency; amending s. 240.239, F.S.; revising associate in arts degree requirements; amending s. 240.319, F.S.; requiring additional responsibilities of community college district boards of trustees relating to coursework; amending s. 240.325, F.S.; requiring rules relating to community college credit hours; creating the “Higher Education Access 2000 Act”; amending s. 240.147, F.S.; providing requirements relating to the master plan prepared by the Postsecondary Education Planning Commission; amending s. 240.209, F.S., relating to Board of Regents’ duties; renaming the systemwide master plan as the systemwide strategic plan and providing requirements thereof; amending ss. 240.2093, 240.214, 240.227, 240.299, 243.151, and 282.308, F.S.; conforming provisions; creating s. 240.6045, F.S.; establishing a limited access competitive grant program; providing for identification of high priority employment fields; providing student eligibility; providing for award of grants; providing for rules; providing for an accountability process; amending s. 240.605, F.S., relating to Florida resident access grants; revising provisions relating to the amount of grants; providing an effective date.

—was referred to the Committees on Higher Education; and Ways and Means.

By the Committee on Higher Education and Representative Wasserman Schultz and others—

**HB 2497**—A bill to be entitled An act relating to distance learning; creating s. 241.001, F.S.; establishing The Florida Distance Learning Network; providing for board of directors' membership; providing for organization; providing for meetings; creating s. 241.002, F.S.; establishing duties of the board of directors; creating s. 241.003, F.S.; establishing the powers of the board of directors; creating s. 241.004, F.S.; providing for the appointment of an executive director; providing powers and duties; creating s. 241.005, F.S.; providing for an annual report and audits; creating s. 241.006, F.S.; establishing the Educational Technology Grant Program; providing awards; requiring an annual report; providing an effective date.

—was referred to the Committees on Higher Education; Governmental Reform and Oversight; Ways and Means; and Rules and Calendar.

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

**HB 2505**—A bill to be entitled An act relating to juvenile justice; amending s. 20.316, F.S., relating to the Department of Juvenile Justice; removing references to subdistricts; amending s. 39.01, F.S.; clarifying definitions with respect to juvenile proceedings; amending s. 39.0145, F.S.; specifying that direct contempt of court includes traffic court; amending s. 39.017, F.S., relating to attorney's fees; revising provisions relating to presumption against indigency to substitute references to "parent or legal guardian" for references to "defendant"; amending s. 39.025, F.S.; removing a reference to subdistricts; amending s. 39.037, F.S.; providing for notification of other education providers with respect to specified delinquent acts or violations of law; amending s. 39.039, F.S., relating to fingerprinting for misdemeanor offenses; correcting cross references; amending s. 39.042, F.S., relating to use of detention; adding a cross reference with respect to domestic violence offenses; amending s. 39.044, F.S.; adding home detention care as a type of detention care and adding a cross reference with respect to domestic violence offenses; amending s. 39.0445, F.S., relating to juvenile domestic violence offenders; adding a cross reference with respect to domestic violence offenses; amending s. 39.047, F.S., relating to intake and case management; adding a cross reference with respect to prosecution as an adult and specifying that written reasons will be provided to the court; amending s. 39.0475, F.S.; providing for approval of intervention programs by alternative sanctions coordinators; amending s. 39.052, F.S., relating to hearings; transferring and amending s. 39.0587, F.S., relating to prosecution of child as adult, as a new subsection under said section; amending s. 39.0581, F.S.; revising criteria for commitment to a maximum-risk residential program; amending s. 39.0583, F.S.; correcting a cross reference; amending s. 39.0585, F.S.; clarifying which juveniles are to be included in the information system; amending s. 39.059, F.S.; correcting a reference with respect to legal guardians; amending s. 39.426, F.S.; revising case staffing committee composition for children in need of services; amending s. 39.003, F.S., amending s. 6, ch. 94-209, Laws of Florida, changing the annual Juvenile Justice Advisory Board report date and delaying the youthful offender study final report for 1 year; amending s. 230.335, F.S.; providing for specified notification of other education providers; amending s. 232.19, F.S.; providing sanctions for nonattendance at alternative schools; amending s. 236.081, F.S.; placing special programs for teenage parents into the funding category of programs for students at risk; amending s. 316.655, F.S.; revising release procedures for a juvenile arrested for driving under the influence; amending s. 415.515, F.S.; authorizing the Department of Juvenile Justice to develop family builders programs; amending s. 415.51, F.S.; providing access by the Department of Juvenile Justice to the Department of Health and Rehabilitative Services' abuse records; amending s. 790.22, F.S., relating to firearms possession offenses by minors; changing certain references to the Department of Health and Rehabilitative Services to references to the Department of Juvenile Justice; providing conforming language; amending s. 20.316, F.S.; requiring the establishment by the Department of Juvenile Justice of a juvenile justice information system; providing for reports by the department; amending s. 409.146, F.S.; providing for a separate children and families client and management information system in the Department of Health and Rehabilitative Services; amending s. 943.06, F.S.; renaming the Criminal Justice Information Systems Council as the Criminal and Juvenile Justice Information Systems Council; providing for the membership of

the Secretary of Juvenile Justice on the council; amending s. 943.08, F.S.; providing additional duties of the council; 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; creating s. 39.0551, F.S.; authorizing the Department of Juvenile Justice to establish residential juvenile assignment centers; requiring certain services to be offered in juvenile assignment centers; providing for the placement of a juvenile in an assignment center; providing for the transfer of a juvenile from an assignment center to a commitment program; requiring assignment centers to be physically secure; amending s. 39.044, F.S., relating to detention; providing for a child to be held or treated in a juvenile assignment center under specified circumstances; amending s. 39.01, F.S.; defining "juvenile sexual offender" and "juvenile sexual abuse"; amending s. 39.044, F.S.; providing procedures when a juvenile sexual offender is placed in detention; requiring detention staff to notify law enforcement and school personnel of a juvenile sexual offender's release or transfer; amending s. 39.052, F.S.; allowing the court to place a sexual offender in community-based treatment at an adjudicatory hearing; providing procedures for a multidisciplinary assessment, including assessment by certified psychologist, therapist, or psychiatrist; providing for reports; providing court authority to review or revoke treatment; amending s. 39.054, F.S.; authorizing the court, subject to specific appropriation, to commit a juvenile sexual offender to the Department of Juvenile Justice for placement in specified programs; amending s. 39.067, F.S.; requiring outpatient sexual offender counseling, subject to specific appropriation, as a component of aftercare services for a juvenile sexual offender furloughed from a commitment program; creating s. 39.0571, F.S.; creating juvenile sexual offender commitment programs; requiring the Department of Juvenile Justice to establish procedures and protocols with certain agencies; providing contracting authority; requiring quality assurance and certain outcome evaluation efforts; providing rulemaking authority; amending s. 415.50165, F.S.; defining "alleged juvenile sexual offender," "juvenile sexual abuse," and "victim"; creating s. 415.50171, F.S.; requiring a family services response system approach to reports of child-on-child sexual abuse by the Department of Health and Rehabilitative Services; providing procedures; requiring certain services to be provided to the victim of juvenile sexual abuse, the alleged juvenile sexual offender, and their caregivers; requiring classification of reports by the department; providing rulemaking authority; amending s. 415.504, F.S.; requiring mandatory reporting and acceptance of juvenile sexual abuse reports by the Department of Health and Rehabilitative Services; providing procedures; requiring the Department of Juvenile Justice, the Juvenile Justice Standards and Training Commission, the Department of Health and Rehabilitative Services, and the Department of Business and Professional Regulation, in a collaborative effort, to study the requirements, licenses, certification, and training of persons providing mental health treatment to juvenile sexual offenders; requiring a report to the Governor and the Legislature; amending s. 39.054, F.S., relating to court powers of disposition with respect to a delinquent child; providing penalties for grand theft auto offenses committed by a child; amending s. 39.044, F.S.; authorizing a court to detain a child prior to his detention hearing if the child has been arrested for an offense involving an imitation firearm; amending s. 790.001, F.S.; defining the term "imitation firearm" for purposes of ch. 790, F.S., relating to weapons and firearms; amending s. 790.06, F.S., relating to licenses to carry concealed weapons or firearms; revising a cross-reference to conform to renumbering by the act; amending s. 790.07, F.S.; providing penalties for certain offenses involving the use of an imitation firearm; amending s. 874.08, F.S., relating to seizure and forfeiture profits, proceeds and instrumentalities of criminal street gangs; amending s. 874.02, F.S., relating to legislative intent regarding criminal street gangs; creating s. 784.076, F.S., to provide sanctions for battery on health services personnel; amending s. 318.14, F.S., relating to non criminal traffic infractions; providing for distribution to trust funds; amending s. 318.21, F.S., relating to disposition of civil penalties by county courts; providing for distribution to trust funds; providing legislative findings; providing for an information-sharing workgroup to develop and implement an information access and delivery system; providing

duties of the Auditor General; amending s. 228.041, F.S.; providing a condition for imposition of expulsion; amending s. 230.02, F.S.; authorizing alternative site schools within the district school system; amending s. 230.22, F.S.; providing district school board power for assignment of students to schools; amending s. 230.23, F.S.; providing for district school board cooperation; providing alternatives to student suspension and expulsion; requiring policies for assignment of violent or disruptive students and notice relating to expulsion for possession of a firearm; amending s. 230.2316, F.S., relating to dropout prevention; defining second chance schools; providing requirements and eligibility for second chance schools; providing funding; providing an effective date.

—was referred to the Committees on Criminal Justice; Health and Rehabilitative Services; and Ways and Means.

By the Select Committee on Child Abuse and Neglect; and Representative Frankel and others—

**HB 2513**—A bill to be entitled An act relating to domestic violence and victims of crime; amending s. 741.31, F.S.; providing for civil remedies for victims of persons who violate an injunction for protection; creating s. 741.315, F.S.; providing for the admission into evidence of evidence of similar acts of domestic violence; amending s. 741.29, F.S.; providing legislative intent with respect to services for victims of domestic violence; amending s. 741.30, F.S.; requiring the clerk of the court to furnish the sheriff with specified information on respondents; revising guidelines for transmission of specified information by the sheriff; restricting the authority to serve or executive injunctions for protection against domestic violence to specified municipal or county law enforcement officers; amending s. 784.046, F.S., relating to protective injunctions against repeat violence; requiring the clerk of court to furnish the sheriff with specified information on respondents; revising guidelines for transmission of specified information by the sheriff; creating s. 768.35, F.S., providing for cause of action for battered person syndrome; 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; 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.

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

By the Select Committee on Child Abuse and Neglect; and Representative Frankel and others—

**HB 2515**—A bill to be entitled An act relating to juveniles; amending s. 39.01, F.S.; revising definitions; amending s. 39.40, F.S., relating to procedures and jurisdiction; requiring appointment of counsel for parents unable to afford counsel who are threatened with specified criminal charges permanent loss of custody of their children; expressing legislative intent for placement of children removed from their homes in a safe environment and with minimum disruption to education; amending s. 39.401, F.S.; revising guidelines for taking allegedly dependent child into custody; amending s. 39.402, F.S.; modifying provisions that allow a child to be placed in a shelter prior to a court hearing; requiring reasonable grounds for removal; requiring that a child's parent or legal custodian be actually notified before, and given opportunity to present evidence at, the emergency shelter hearing; authorizing the court to issue a show-cause order or impose sanctions or dismiss a case if the department fails to prepare to present its case within a specified time; amending s. 39.4031, F.S.; revising case plan requirements; amending s. 39.4032, F.S.; revising guidelines for multidisciplinary case staffing; amending s. 39.4055, F.S.; revising purpose of injunction pending disposition of petition for detention or dependency; amending s. 39.407, F.S.; requiring evidence in support of order for treatment of child in physical custody of the Department of Health and Rehabilitative Services; amending s. 39.408, F.S., relating to adjudicatory hearings; requiring corroborative evidence of anonymous reports under specified circumstances; providing for obtaining of confidential information by parents; amending s. 39.45, F.S.; revising legislative intent with respect to taking of child in foster care; amending s. 39.451, F.S.; revising guidelines relating to case plans for children in foster care; amending s. 39.452, F.S., relating to foster care case planning when parents do not participate; providing for 15-day instead of 30-day extensions for preparation of case plans; providing for parents to be provided with copy of case plan 72 hours prior to filing; amending s. 39.4612, F.S., relating to factors for court determination of manifest best interests of the child; amending s. 39.47, F.S.; providing legislative finding and intent with respect to finalizing of adoptive placement; amending s. 415.501, F.S.; revising guidelines for state plan for the prevention of abuse and neglect of children and for district plans; providing for reports; amending s. 415.5016, F.S.; revising legislative intent with respect to family services response system; amending s. 415.5017, F.S.; revising procedures of family services response system; amending s. 415.502, F.S., relating to legislative intent for comprehensive protective services for abused and neglected children; providing for each child to have social security number; amending s. 415.504, F.S., relating to mandatory reports of child abuse or neglect; providing for confidential naming in records of reporters in certain occupational categories; providing for confidential electronic recording of call numbers of abuse reporters by July 1, 1996; amending s. 415.505, F.S., relating to the manner in which reports of abuse or neglect may be investigated; removing provision requiring child placement information to be given to subject of investigation; amending s. 415.5055, F.S.; revising duties of the department with respect to child protection teams and services; amending s. 415.51, F.S.; revising provisions relating to confidentiality of reports and records in child abuse or neglect cases; requiring the Professional Development Centers of the Department of Health and Rehabilitative Services to assess the training curriculum of department staff operating the abuse hotline and those responsible for child protective services; requiring a report; creating the Task Force on Family and Domestic Safety to examine the relationship between the Department of Health and Rehabilitative Services and law enforcement agencies in the investigation and prevention of child abuse; prescribing membership and duties of the task force; providing for reimbursement of expenses for members; providing for a report; requiring the Criminal Justice Standards and Training Commission and the Professional Development Centers of the Department of Health and Rehabilitative Services to make a joint assessment of the training curriculum of specified law enforcement personnel and department personnel involved with the abuse hotline or child protective services; providing for establishment by the department and the Department of Law Enforcement of model programs for receiving and investigating reports of child abuse, neglect, or exploitation; providing for model program implementation agreements between the Department of Health and Rehabilitative Services and sheriffs; providing for reports on the model programs; providing effective dates.

—was referred to the Committees on Criminal Justice; Health and Rehabilitative Services; and Ways and Means.

By the Select Committee on Child Abuse and Neglect; and Representative Frankel and others—

**HB 2517**—A bill to be entitled An act relating to child welfare; amending s. 39.41, F.S., relating to court powers of disposition in dependency cases; providing for termination of supervision of long-term relative placement, termination of supervision of long-term foster care placement, or other termination of protective supervision as a permanency option for the child, under specified circumstances; amending s. 39.469, F.S.; providing for court orders in termination of parental rights cases with respect to exercise of specified residual parental or familial rights; amending s. 402.3015, F.S.; revising the definition of “at-risk children” with respect to specified provisions relating to the subsidized child care program; repealing s. 409.167(5), F.S., relating to registration of children with regional and national adoption exchanges; providing an effective date.

—was referred to the Committees on Health and Rehabilitative Services; Judiciary; and Ways and Means.

By the Committee on Corrections and Representative Sindler and others—

**HB 2531**—A bill to be entitled An act relating to corrections; amending s. 68.07, F.S.; requiring a criminal justice information background check prior to a name change; prohibiting name change for petitioners with suspended civil rights; amending s. 95.11, F.S., relating to limitations on actions; prescribing a 30-day time limitation with respect to court actions by inmates challenging disciplinary proceedings conducted by the Department of Corrections; amending ss. 112.08 and 175.201, F.S., to conform cross references; amending s. 117.10, F.S.; providing that correctional probation officers are notaries public while on duty; amending s. 282.1095, F.S.; adding sixth member to Joint Task Force on State Agency Law Enforcement Communications; amending and renumbering s. 381.695, F.S.; correcting cross references; amending s. 776.07, F.S.; redefining “guard” as “correctional officer”; amending s. 843.04, F.S.; redefining “guards” as “correctional officers”; amending s. 843.08, F.S.; providing that falsely personating an officer of the Department of Corrections or a correctional probation officer is a felony; amending s. 921.16, F.S.; providing for imposing sentence concurrent with another jurisdiction; providing for forward of commitment papers and other documents by sheriff; providing for coterminous sentence with sentence in another jurisdiction; providing for prevention of interference with inmate program participation approved by another jurisdiction; amending s. 922.11, F.S.; redefining “guards” as “correctional officers”; amending s. 943.10, F.S.; defining “auxiliary correctional probation officer”; amending s. 943.1397, F.S.; providing for officer certification examination procedures; amending s. 946.006, F.S.; providing for workers’ compensation coverage of inmates in work programs to be provided by the private sector employer; providing legislative intent; creating s. 944.06, F.S.; providing personal vehicle damage deductible reimbursement for department employees; amending s. 944.39, F.S.; redefining “guard” as “correctional officer”; amending s. 944.095, F.S.; providing legislative intent for siting of additional correctional facilities; removing obsolete correctional facility siting study; deleting reference to obsolete study; amending s. 944.516, F.S.; providing for transfer of inmate fund balances of less than \$1 to Inmate Welfare Trust Fund; amending s. 944.606, F.S.; authorizing public agencies to publicly release verified information about persons found to have committed a sexual offense; granting immunity from civil action to public agencies, officers, and employees who release verified information about persons found to have committed a sexual offense; amending s. 944.703, F.S.; providing for applicability of the Transition Assistance Release Program Act to all inmates released from the custody of the department; amending s. 944.704, F.S.; requiring the department to provide transition assistance officers at major correctional institutions; amending s. 944.706, F.S.; removing references to release assistance; providing for transition assistance; amending s. 944.707, F.S.; revising provision relating to provision to the Department of Labor and Employment Security of information on releasees; creating s. 945.03, F.S.; providing definitions; providing for the adoption of department rules prohibiting hiring of employee relatives; providing exceptions; amending s. 945.04, F.S.; providing guidelines for assignment of inmates to correctional work programs; providing guidelines for removing inmates from correctional work programs; amending s. 945.091, F.S.; providing authorization to secretary’s designee for approval of extension of limits of confinement;

amending s. 945.27, F.S., relating to eminent domain proceedings by the Department of Corrections; deleting a provision requiring approval of condemnation actions by the Board of Trustees of the Internal Improvement Trust Fund; amending s. 945.31, F.S.; providing for establishment by department of bank accounts outside State Treasury; creating s. 946.41, F.S.; authorizing promotion to the public of inmate work programs; amending s. 946.515, F.S.; revising exemption provision with respect to state purchases of specified commodities or contractual services; amending s. 948.09, F.S.; providing for restitution payments by department of not less than \$10; amending s. 948.15, F.S.; providing for probation services to be provided by entities under the supervision of the governing body of the county or the court; requiring certain entities that provide probation services to register with the governing body of the county; amending s. 951.032, F.S.; providing that prisoners shall reimburse providers for medical care, treatment, hospitalization, or transportation; providing for placing a lien against inmate’s cash account or personal property if inmate refuses to reimburse provider for medical care, treatment, hospitalization, or transportation; amending s. 951.12, F.S.; redefining “guard” as “correctional officer”; amending s. 951.19, F.S.; redefining “guards” as “correctional officers”; amending s. 951.23, F.S.; providing for collection of inmate information; providing for inmate immigration status information; providing for certain exemptions; amending s. 958.11, F.S.; providing for separation upon reception of youthful offenders 14 to 18 years of age and youthful offenders of 19 years of age or older; providing exemptions for certain circumstances; eliminating reporting requirements; requiring the Department of Corrections to implement a plan by December 1, 1995, for labor by inmates wearing leg irons in chain-gang work groups; providing that a prisoner who has ever been convicted of the crime of escape is ineligible for work-release or minimum security confinement; amending s. 112.19, F.S., relating to death benefits for law enforcement, correctional, and correctional probation officers; amending s. 947.01(1), F.S.; providing that the Parole Commission shall consist of five members after October 6, 1996, if a seat is vacated for any reason other than expiration of term; repealing s. 950.051, F.S., relating to jail construction for purposes of gender separation of prisoners; repealing s. 950.07, F.S., relating to county appropriations for jail remodeling for such gender separation; repealing s. 950.08, F.S., relating to removal of county commissioners and sheriffs for refusal to comply with provisions for gender separation of prisoners; amending s. 948.51, F.S.; revising the Community Corrections Partnership Act to allow two or more counties to form a consortium and receive funds for corrections and public safety programs; requiring the formation of a public safety coordinating council to prepare a comprehensive public safety plan; requiring the public safety coordinating council to cooperate with the district juvenile justice board and the county juvenile justice council; revising the requirements of the comprehensive public safety plan; providing additional responsibilities of the Department of Corrections in administering the act; deleting a limitation on the amount that a county may diminish its spending for correctional and public safety programs; requiring the department to reimburse certain expenses incurred by a county in performing an evaluation; specifying additional programs, services, and facilities that may be funded under the act; providing for funding the costs of health care for offenders placed in programs or facilities operated under the act; amending s. 951.26, F.S.; revising the membership of a public safety coordinating council for a county; providing for the membership of a public safety coordinating council for a consortium of two or more counties; creating s. 945.28, F.S.; requiring the department to provide public notice prior to the lease or purchase of probation or parole office space; providing for the inclusion of a telephone number so that the general public may communicate with the department with respect to the proposed lease or purchase; amending s. 957.06; providing for department classification of inmates placed in contracted correctional facilities; amending s. 945.6037, F.S.; providing department waivers for inmate health care copayments; amending s. 947.141, F.S., relating to violations of conditional release, control release, or conditional medical release; authorizing the Parole Commission panel to place released offenders who commit such violations in local detention facilities as a condition of supervision; providing guidelines and time limits with respect to such placements; providing for specified reimbursements by the Department of Corrections pursuant to contractual agreement with the chief correctional officer of the county; providing applicability; creating s. 944.151, F.S.; providing legislative intent with respect to security of correctional institutions; requiring the appointment of a security review committee by the Secretary of Corrections; prescribing membership and duties of the security review committee; requiring physical inspections; mandating security audits; specifying minimum standards and policies; requiring escape simulation drills; requiring statistical

reports; providing for adoption of emergency escape response procedures; amending s. 944.11, F.S.; requiring the department to adopt rules that prohibit the admission of reading material with content of a sexual nature within state correctional institutions; amending s. 945.603, F.S.; providing contractual fee limits; creating s. 957.16, F.S.; authorizing commission to modify correctional facility contracts with contractors to increase total design capacity by one-half; providing a cross-reference; providing that additional beds authorized are contingent upon specific appropriations; amending s. 946.515, F.S.; authorizing corporation to contract with any political subdivision of this state to operate a fish and seafood processing plant and to spawn and grow fish and seafood for certain commercial purposes; amending s. 790.052, F.S.; permitting specified officers to carry a concealed firearm while off duty, under certain circumstances; limiting liability of an employing department or agency; creating s. 958.046, F.S., relating to boot camp programs; allowing the court to place youthful offenders in local comprehensive boot camp programs; specifying criteria and legislative intent; specifying minimum components; providing effective dates.

—was referred to the Committees on Criminal Justice; Governmental Reform and Oversight; Community Affairs; and Ways and Means.

By the Committee on Corrections and Representative Sindler and others—

**HB 2537**—A bill to be entitled An act relating to criminal justice; amending s. 943.05, F.S.; revising duties of the Division of Criminal Justice Information Systems of the Florida Department of Law Enforcement with respect to crime reports; amending s. 943.051, F.S.; striking an incorrect reference; amending s. 943.0585, F.S.; revising guidelines relating to court orders for expunction of criminal history records; revising criteria for issuance of certificate of eligibility for expunction; specifying circumstances under which cause of action does not arise against a criminal justice agency for failure to comply with an expunction order; providing for disclosure to criminal justice agencies of certain information relating to expunged criminal history records; amending s. 943.059, F.S.; revising guidelines for court-ordered sealing of criminal history records; requiring requirements for petition to seal a criminal history record; specifying circumstances under which a cause of action does not arise against a criminal justice agency for failure to comply with a sealing order; 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; amending s. 905.37, F.S.; providing an increased fee for statewide grand jurors; providing an effective date.

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

By the Committee on Appropriations and Representative Ritchie—

**HB 2589**—A bill to be entitled An act relating to the confidentiality of records obtained from a utility; providing a public necessity statement; amending s. 350.121, F.S., relating to inquiries of the Florida Public Service Commission; revising the process by which confidential records are determined, for the purpose of reducing the cost of government; amending ss. 364.183, 366.093, 367.156, and 368.108, F.S., relating to records of telecommunications companies, public utilities, water and wastewater utilities, and natural gas transmission companies; providing an effective date.

—was referred to the Committee on Commerce and Economic Opportunities.

By the Committee on Rules and Calendar; and Representative Mackenzie and others—

**HB 2649**—A bill to be entitled An act relating to the Legislature; amending and combining ss. 11.011 and 11.012, F.S.; removing statutory time limitation on special sessions convened by the Legislature; repealing s. 11.013, F.S., relating to reports by executive officers to the Legislature; amending s. 11.021, F.S.; removing the requirement that certain information be printed in legislative publications; repealing s. 11.04, F.S., relating to sufficiency of previously published notice of intent to enact special or local legislation; repealing ss. 11.05 and 11.06, F.S., relating to the admin-

istration of oaths to lobbyists appearing before a committee; amending s. 11.07, F.S., relating to the method of enrolling bills; repealing s. 11.075, F.S., relating to the consideration of the economic impact of legislation; repealing s. 11.076, F.S., relating to statutory restrictions on the enactment of legislation having an economic impact on local government and the funding thereof; creating s. 11.135, F.S.; providing that legislative committees, divisions, and offices are not agencies for specified purposes relating to expenditure of funds; repealing ss. 11.141 and 11.142, F.S., relating to the creation and meeting of standing and select committees; amending s. 11.143, F.S.; deleting requirement that legislative committees review agency functional plans when reviewing state agency operations; clarifying that legislative committees may inspect or subpoena confidential information; clarifying that the issuance of a legislative subpoena is governed by rules of the Legislature; deleting requirement for certain public hearings; repealing ss. 11.144, 11.145, and 11.1465, F.S., relating to the appointment of advisory committees by standing committees, the records of standing committees, and the services which each house is to provide to its members and committees; amending s. 11.147, F.S., relating to the Joint Legislative Management Committee; providing for governance of the committee by joint rules of the Legislature; repealing s. 11.148, F.S., relating to functions of the joint committee, to conform; repealing s. 11.15, F.S., relating to permanent offices of the Legislature; repealing s. 11.23, F.S., relating to location and research facilities of the committee, to conform; amending s. 11.243, F.S., relating to sale and distribution of the Florida Statutes by the Joint Legislative Management Committee; repealing s. 11.246, F.S., relating to free distribution of the Florida Statutes, to conform; repealing s. 11.247, F.S., relating to sale and distribution of general and special acts, to conform; repealing s. 11.248, F.S., relating to delivery and distribution of the bound journals; amending s. 11.26, F.S., relating to statutory restrictions on legislative employees; repealing s. 11.30, F.S., relating to the establishment and operation of the legislative staff internship program; amending s. 11.40, F.S.; providing that the Joint Legislative Auditing Committee shall be governed by joint rules of the Legislature; repealing s. 11.401, F.S., relating to the annual audit of the Joint Legislative Auditing Committee; repealing s. 11.41, F.S., which provides for designation of the Auditor General; amending s. 11.42, F.S., relating to the appointment, duties, and location of the Auditor General; deleting provisions relating to bonding of the Auditor General and his employees; repealing ss. 11.43 and 11.44, F.S., relating to duties, termination of appointment, and salaries and expenses of the Joint Legislative Auditing Committee; amending s. 11.45, F.S., relating to duties of the Auditor General; amending s. 11.47, F.S., relating to proceeding against the bond of an auditor, to conform; repealing s. 11.48, F.S., relating to retention of employees of the Auditor General; repealing s. 11.49, F.S., relating to the seal and coat of arms of the Senate; amending s. 11.51, F.S., relating to the Office of Program Policy Analysis and Government Accountability; amending s. 11.511, F.S., relating to appointment and duties of the director of the Office of Program Policy Analysis and Government Accountability; repealing s. 11.513(8), F.S., relating to reviews to be conducted by the Office of Program Policy Analysis and Government Accountability; repealing ss. 11.61 and 11.611, F.S., to remove from the Florida Statutes the "Regulatory Sunset Act" and the "Shutdown Act" previously repealed by operation of law; amending s. 112.313, F.S., relating to approval of dual employment of legislative employees; amending ss. 11.02, 15.14, 216.164, 216.166, 283.64, and 450.211, F.S., to conform; repealing pt. II of chapter 283, F.S., relating to legislative agency printing; providing a contingent effective date.

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

By the Committee on Community Affairs and Representative Bitner and others—

**CS for HB 445**—A bill to be entitled An act relating to the Florida Prompt Payment Act; amending s. 218.72, F.S.; defining the term "construction services"; amending s. 218.73, F.S., pertaining to the time at which payment is due from a local governmental entity; specifying an exemption; creating s. 218.735, F.S.; specifying the procedure for calculating the payment due date for the purchase of construction services by a local governmental entity; providing for the resolution of disputes; amending s. 218.74, F.S.; providing a cross reference for the due dates for payments for purchases of construction services; amending s. 218.78, F.S.; revising the requirement that local governmental entities report interest payments; specifying the threshold amount for such reports; providing legislative findings; providing an effective date.

—was referred to the Committees on Community Affairs; and Governmental Reform and Oversight.

By Representative King and others—

**HCR 1599**—A concurrent resolution recognizing Florida State University, the University of Florida, and the University of Miami for outstanding contributions to the state through football.

—was referred to the Committee on Rules and Calendar.

By Representative Turnbull and others—

**HCR 2569**—A concurrent resolution relating to creation of the Joint Commission on Legislative Efficiency and Effectiveness.

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

By the Committee on Rules and Calendar; and Representatives Mackenzie and Boyd—

**HCR 2627**—A concurrent resolution adopting additional Joint Rules of the Florida Legislature.

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

**RETURNING MESSAGES—FINAL ACTION**

*The Honorable James A. Scott, President*

I am directed to inform the Senate that the House of Representatives has passed SB 260, SB 530, CS for SB 552, CS for SB 622, SB 654, SB 686, SB 890, SB 1004, SB 1726 and SB 2386.

*John B. Phelps, Clerk*

The bills contained in the foregoing message were ordered enrolled.

*The Honorable James A. Scott, President*

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendments and passed as amended CS for HB 5.

*John B. Phelps, Clerk*

**ROLL CALLS ON SENATE BILLS**

**SB 42**

Yeas—32

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

Nays—7

Forman	Hargrett	Jenne	Weinstein
Grant	Holzendorf	Silver	

Vote after roll call:

Nay to Yea—Holzendorf

**SB 46**

Yeas—39

Mr. President	Bronson	Casas	Dantzler
Bankhead	Brown-Waite	Childers	Diaz-Balart
Beard	Burt	Crist	Dudley

Dyer	Holzendorf	Kurth	Silver
Forman	Horne	Latvala	Sullivan
Grant	Jenne	McKay	Thomas
Gutman	Jennings	Meadows	Turner
Harden	Johnson	Myers	Weinstein
Hargrett	Jones	Ostalkiewicz	Williams
Harris	Kirkpatrick	Rossin	

Nays—None

**CS for SB 56**

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Crist

**SB 126**

Yeas—33

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

Nays—1

Turner

**CS for SB 232**

Yeas—37

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	Williams
Crist	Harris	Meadows	
Dantzler	Holzendorf	Myers	
Diaz-Balart	Horne	Ostalkiewicz	

Nays—None

**SB 682**

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Crist, Grant, Kurth

CS for SB's 728 and 770

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Hargrett, Holzendorf

SB 1016

Yeas—37

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

Nays—None

SB 1438

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	Williams
Dantzler	Holzendorf	Meadows	

Nays—None

SB 1664

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	Williams
Dantzler	Holzendorf	Meadows	

Nays—None

CS for SB 1942—Amendment 8

Yeas—30

Beard	Dudley	Jenne	Ostalkiewicz
Bronson	Dyer	Jennings	Rossin
Burt	Forman	Johnson	Sullivan
Casas	Grant	Kirkpatrick	Thomas
Childers	Gutman	Kurth	Weinstein
Crist	Harden	Latvala	Williams
Dantzler	Harris	McKay	
Diaz-Balart	Horne	Myers	

Nays—5

Hargrett	Jones	Turner
Holzendorf	Meadows	

CS for SB 1942

Yeas—34

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

Nays—2

Hargrett Holzendorf

Vote after roll call:

Yea—Bankhead, Grant

SB 1952

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Hargrett, Rossin

CS for SB 2090

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Hargrett

Yea—Grant

**SB 2462**

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Grant

**CS for SB 2598**

Yeas—34

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

Nays—3

Hargrett      Holzendorf      Johnson

**ROLL CALLS ON HOUSE BILLS****CS for HB 153**

Yeas—37

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	Williams
Crist	Harris	Meadows	
Dantzler	Horne	Myers	
Diaz-Balart	Jenne	Ostalkiewicz	

Nays—None

Vote after roll call:

Yea—Holzendorf

**HB 215**

Yeas—36

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

Nays—None

Vote after roll call:

**HB 325**

Yeas—38

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

Nays—1

Crist

**CS for HB 439**

Yeas—37

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	Kurth	Weinstein
Casas	Harden	Latvala	Williams
Childers	Harris	Meadows	
Crist	Holzendorf	Myers	
Dantzler	Horne	Ostalkiewicz	

Nays—None

Vote after roll call:

Yea—Hargrett

**CS for HB's 491 and 791**

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	Williams
Dantzler	Holzendorf	Meadows	

Nays—None

**HB 517**

Yeas—37

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

Nays—None

**HB 529**

Yeas—38

Mr. President	Diaz-Balart	Jenne
Bankhead	Dudley	Jennings
Beard	Dyer	Johnson
Bronson	Forman	Jones
Brown-Waite	Grant	Kirkpatrick
Burt	Gutman	Kurth
Casas	Harden	Latvala
Childers	Harris	McKay
Crist	Holzendorf	Meadows
Dantzler	Horne	Myers

Nays—None

Vote after roll call:

Yea—Hargrett

**HB 545**

Yeas—37

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

Nays—None

**CS for HB 1249**

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	Williams
Dantzler	Holzendorf	Meadows	

Nays—None

**CS for HB 1323**

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	Williams
Dantzler	Holzendorf	Meadows	

Nays—None

**CS for HB 1375**

Yeas—38

Mr. President	Diaz-Balart	Horne	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	Williams
Crist	Harris	Meadows	
Dantzler	Holzendorf	Myers	

Nays—None

**HB 2195**

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	Williams
Dantzler	Holzendorf	Meadows	

Nays—None

**HB 2375**

Yeas—38

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	Williams
Dantzler	Holzendorf	Meadows	
Diaz-Balart	Horne	Myers	

Nays—None

**HB 2413**

Yeas—37

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

Nays—1

Crist

Vote after roll call:

Yea—Bronson

**ENROLLING REPORTS**

CS for CS for SB 82, CS for SB 114 and SB 520 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 1, 1995.

*Joe Brown, Secretary*

**CORRECTION AND APPROVAL OF JOURNAL**

The Journal of April 27 was corrected and approved.

**RECESS**

On motion by Senator Jennings, the Senate recessed at 4:45 p.m. to reconvene at 10:00 a.m., Tuesday, May 2.

**SENATE PAGES**

May 1-5

Susan E. Bailey, Lakeland; Melissa Burt, Ormond Beach; Mandy Connell, Monticello; Alfred Gainous, Jr., Tallahassee; David F. Harris, Tallahassee; Sarah Heron, Ormond Beach; Lee Hudgins, Tallahassee; Matt James, Gainesville; Scott James, Gainesville; Megan Kilduff, Vero Beach; Cindy Kilgore, Tallahassee; Tao Lee, Tallahassee; William Loznicka, Jacksonville; Jonathan Overholser, Tallahassee; Sara (Betsy) Remington, Shalimar; Jay Samples, Satellite Beach; Amit Shahane, Tallahassee; Jenny Slade, Tallahassee; Eric Toll, Tallahassee; Amy VanBunnen, Zephyrhills; Natasha Williams, Jacksonville