



Journal of the Senate

Number 15—Regular Session

Thursday, April 25, 1996

CALL TO ORDER

The Senate was called to order by the President at 10:00 a.m. A quorum present—39:

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

Excused: Senators Diaz-Balart, Beard, Childers, Bronson, Dantzler, Hargrett, Harris, Casas, Harden, Dudley, Holzendorf, Horne, Kirkpatrick, Sullivan, Bankhead, Jennings, Kurth, Myers, Ostalkiewicz, Thomas, Williams, Gutman, Crist, Burt, Jones and Silver, periodically for the purpose of working on Appropriations

PRAYER

The following prayer was offered by the Rev. Dr. W. T. Lockett, Retired Pastor, Palm Bay:

Eternal God, we come before thy throne of grace and mercy. We come with thanksgiving in our hearts. We come in an effort to say thank you. First, we thank you for this day. We thank you for giving us the privilege of coming to you, and we thank you for hearing us.

We thank you for these legislators and pray that you will touch their hearts and give them the courage they need to do and say the right thing today and always. Let them propose and pass the kind of laws that will both uplift your kingdom and better our communities—the kind of laws that will make our state a beacon light for others to see. Let them pass legislation that will improve education, housing and employment throughout this state. Also, increase their concern for our children.

Grant unto us all thy peace. This we ask in your holy name. Amen.

PLEDGE

Senate Pages, Imon Chandler and David Harris 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On motion by Senator Thomas, by two-thirds vote **SR 3038** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Thomas—

SR 3038—A resolution commending the Freemasons and John R. Thomas for their contributions to this state.

WHEREAS, Freemasonry began in medieval times and has been organized since the 18th century, and

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

WHEREAS, John R. Thomas served his community and state for almost 2 decades as a police officer, before his retirement in 1992, and for 15 years has served his fellow man in various capacities within the Masonic bodies of this state, including Worshipful Master of Hollywood Lodge No. 58, F and AM, DeMolay and Rainbow advisory boards, District Deputy Grand Master for the 27th Masonic District, and Board of Governors of Feramo Grotto, and

WHEREAS, John R. Thomas has received numerous honors from the Masonic bodies, including the Royal Order of Scotland, Scottish Right Knight Commander Court of Honor, and Ambassadors Unit of Mahi Temple, A.A.O.N.M.S., and has earned other Masonic honors and awards and held other positions of responsibility too numerous to mention, and

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

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

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

That the Florida Senate commends the Freemasons of Florida and John R. Thomas for their contributions to this state.

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

—was taken up out of order and read the second time in full. On motion by Senator Thomas, **SR 3038** was adopted.

SPECIAL GUESTS

Senator Thomas introduced the following guests who were present in the gallery: John R. Thomas, the Most Worshipful Grand Master of Masons of Florida; and Jacque Couture, Junior Grand Warden.

On motion by Senator Johnson, by two-thirds vote **SR 3032** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Johnson—

SR 3032—A resolution recognizing the Marion County Legislative Delegation's support for a public-private partnership for economic development.

WHEREAS, Florida faces tremendous competition with other states and countries to attract vibrant businesses and to create quality job opportunities for our citizens, and

WHEREAS, it is imperative that government, business, and education in the State of Florida place a high priority on economic development, quality job creation, and improvement of Florida's image as a pro-business environment, and

WHEREAS, the cooperation and resource leveraging between Florida's private and public sectors will ensure greater accountability and will contribute to greater business expansion and job creation in the state, NOW, THEREFORE,

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

That the Florida Senate recognizes the support by the Marion County Legislative Delegation for the establishment of a public-private partnership for economic development in the state to foster and develop a delivery system that is market driven and customer focused and the creation of a business development group that incorporates the functions of domestic and international marketing and related research functions to serve the needs of the state and provide continued economic enhancement for its citizens.

—was taken up out of order and read the second time in full. On motion by Senator Johnson, **SR 3032** was adopted.

On motion by Senator Wexler, by two-thirds vote **SR 3046** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Wexler—

SR 3046—A resolution honoring Harry A. Johnston for his many years of service to the state.

WHEREAS, Harry Johnston is a Florida native, born in West Palm Beach, and

WHEREAS, Harry Johnston served the residents of Florida for twelve years as a model State Senator, including a term as President of the Florida Senate, and

WHEREAS, during his twelve years in Tallahassee, Harry Johnston chaired more committees than any senator in modern Florida history, and

WHEREAS, he is now concluding eight distinguished years as a United States Congressman, and

WHEREAS, Harry Johnston has served with great integrity, dignity, and dedication, demonstrating a concern for all people, particularly women and children, excelling in service to his constituents through committed leadership, and

WHEREAS, Harry Johnston has further demonstrated his commitment to public service through his numerous involvements in local civic and charitable organizations, NOW, THEREFORE,

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

That this body pause in its deliberations to honor Harry A. Johnston for his loyal and dedicated service to the State of Florida, to offer him its congratulations on his accomplishments, and to join his many friends in wishing him a happy and healthy retirement.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate attached, be delivered to Harry A. Johnston as a token of the esteem in which he is held by the Florida Senate.

—was taken up out of order and read the second time in full. On motion by Senator Wexler, **SR 3046** was adopted.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Diaz-Balart, by two-thirds vote **CS for SB 46, CS for SB 120, SB 140, CS for SB 204, SB 304, SB 354, CS for SB 408, SB 676, CS for SB 1010, SB 1018, CS for SB 1114, SB 1666, SB 1860, SB 1922, CS for SB 1986, SB 2188, SB 2224, SB 2310, SB 2764 and CS for SB 2822** were withdrawn from the Committee on Ways and Means.

On motion by Senator Jennings, by two-thirds vote **CS for SB 538** was withdrawn from the Committee on Community Affairs.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Diaz-Balart, the rules were waived and the Committee on Ways and Means was granted permission to meet this day

from 2:00 p.m. until 5:00 p.m. to consider **SB 2732, SB 2890, CS for SB 2812, SB 2666, CS for SB 892, SB 64, SB 740, CS for SB 698, CS for SB 626, SB 402, SB 2354, SB 138, SB 302, SB 392, CS for SB 648, CS for SB 1026, SB 2678, SB 806, CS for CS for SB 126, SB 738 and CS for SB 866.**

On motion by Senator Dudley, the rules were waived and the Committee on Judiciary was granted permission to meet this day to consider the agenda as published in the calendar.

SPECIAL ORDER CALENDAR

Consideration of **CS for SB's 386, 732 and 1208** was deferred.

SB 1868—A bill to be entitled An act relating to recovering moneys owed to the state; providing legislative intent relating to collection mechanisms; amending s. 402.33, F.S.; amending the definition of the term "fee collections"; authorizing the Department of Health and Rehabilitative Services to employ collection agencies, in specified circumstances; providing for agency fees; allowing collection agencies access to departmental files, records, and reports, for collection purposes; providing that information that is already confidential by law must remain confidential; amending s. 409.2562, F.S.; amending procedures relating to the recovery of overpayments of public assistance benefits; 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 Horne and adopted:

Amendment 1 (with title amendment)—On page 2, line 24, after the period (.) through page 3, line 2, delete those lines

And the title is amended as follows:

On page 1, lines 10-14, delete those lines and insert: fees; amending s. 409.2562, F.S.;

On motion by Senator Horne, by two-thirds vote **SB 1868** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38 Nays—1

SB 324—A bill to be entitled An act relating to public assistance payments; amending s. 409.345, F.S.; revising provisions relating to discharge of debt; providing an effective date.

—was read the second time by title.

The Committee on Judiciary recommended the following amendments which were moved by Senator Ostalkiewicz and adopted:

Amendment 1—On page 1, lines 15-19, delete those lines and insert: ~~after the death of the debtor~~ unless the department shall have instituted probate proceedings as a creditor or filed a timely claim against the estate of the debtor or instituted a suit to set aside a fraudulent conveyance as defined in subsection (3).

Amendment 2—On page 1, line 20, delete "October 1, 1996" and insert: upon becoming a law

On motions by Senator Ostalkiewicz, by two-thirds vote **SB 324** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—39 Nays—None

On motion by Senator Weinstein, by two-thirds vote **HB 349** was withdrawn from the Committees on Commerce and Economic Opportunities; and Ways and Means.

On motion by Senator Weinstein—

HB 349—A bill to be entitled An act relating to the Florida Telemarketing Act; amending s. 501.603, F.S.; revising the definitions of “commercial telephone solicitation” and “consumer goods or services”; amending s. 501.604, F.S.; clarifying exemptions for religious, charitable, political, or educational purposes and for other noncommercial purposes; combining exemptions relating to licensed securities, commodities, or investment broker, dealer, or investment adviser; defining “affiliate” for purposes of exemptions for supervised financial institutions and telephone companies; clarifying an exemption for certain licensed commercial telephone sellers; combining exemptions relating to funeral directing, embalming, and direct disposition and funeral and cemetery services; restricting the exemption relating to registered developers or exchange companies; defining “agent” for purposes of the exemption for publishers and agents of publishers; amending s. 501.605, F.S.; clarifying language relating to licensure of commercial telephone sellers; amending s. 501.608, F.S.; correcting cross references; amending s. 501.612, F.S.; providing that a plea of nolo contendere shall be considered a conviction when an applicant for licensure states on his or her application all convictions related to racketeering, fraud, theft, embezzlement, fraudulent conversion or misappropriation of property; amending s. 772.102, F.S.; including crimes relating to telemarketing within the definition of “criminal activity” for the purposes of the Civil Remedies for Criminal Practices Act; amending s. 895.02, F.S., to include crimes relating to telemarketing within the definition of “racketeering activity” for the purposes of the Florida RICO Act and reenacting ss. 16.56(1)(a), 27.34(1), 655.50(3)(g), 896.101(1)(g), and 905.34(3), F.S., to incorporate said amendment in references thereto; providing an effective date.

—a companion measure, was substituted for **SB 996** and read the second time by title.

On motion by Senator Weinstein, further consideration of **HB 349** was deferred.

On motion by Senator Williams, by two-thirds vote **HB 1103** was withdrawn from the Committee on Governmental Reform and Oversight.

On motion by Senator Williams—

HB 1103—A bill to be entitled An act relating to public accountancy; repealing s. 473.3145, F.S., relating to certificates of special competence and the Specialization Advisory Committee; amending ss. 473.322 and 473.323, F.S., to conform; providing an effective date.

—a companion measure, was substituted for **SB 1050** and read the second time by title. On motion by Senator Williams, by two-thirds vote **HB 1103** 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 1272—A bill to be entitled An act relating to parental visitation; creating the “Visitation Rights Enforcement Act of 1996”; providing legislative intent and public policy; amending s. 61.046, F.S.; including the term “primary residential parent” within the definition of “custodial parent”; amending s. 61.052, F.S.; authorizing the court, during any period of continuance with respect to dissolution of marriage, to make certain appropriate orders for visitation; amending s. 61.13, F.S.; requiring the court to award the noncustodial parent or grandparent extra visitation when a custodial parent refuses to honor a noncustodial parent’s or grandparent’s visitation rights without proper cause; providing for additional remedies which the court may consider when a custodial parent refuses to honor visitation rights; amending s. 61.16, F.S.; prohibiting the award of attorney’s fees, suit money, and costs to certain parties; providing an effective date.

—was read the second time by title.

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

Amendment 1 (with title amendment)—On page 3, line 6 through page 6, line 13, delete those lines and insert: Statutes, are amended and subsection (8) is added to that section, to read:

61.13 Custody and support of children; visitation rights; power of court in making orders.—

(2)

(b)1. The court shall determine all matters relating to custody of each minor child of the parties in accordance with the best interests of the child and in accordance with the Uniform Child Custody Jurisdiction Act. It is the public policy of this state to assure that each minor child has frequent and continuing contact with both parents after the parents separate or the marriage of the parties is dissolved and to encourage parents to share the rights and responsibilities, *and joys*, of childrearing. After considering all relevant facts, the father of the child shall be given the same consideration as the mother in determining the primary residence of a child irrespective of the age or sex of the child.

2. The court shall order that the parental responsibility for a minor child be shared by both parents unless the court finds that shared parental responsibility would be detrimental to the child. The court shall consider evidence of spousal or child abuse as evidence of detriment to the child. The court shall consider evidence that a parent has been convicted of a felony of the second degree or higher involving domestic violence as defined in s. 741.28 and chapter 775, as a rebuttable presumption of detriment to the child. If the presumption is not rebutted, shared parental responsibility, including visitation, residence of the child, and decisions made regarding the child, shall not be granted to the convicted parent. However, the convicted parent shall not be relieved of any obligation to provide financial support. If the court determines that shared parental responsibility would be detrimental to the child, it may order sole parental responsibility and make such arrangements for visitation as will best protect the child or abused spouse from further harm.

a. In ordering shared parental responsibility, the court may consider the expressed desires of the parents and may grant to one party the ultimate responsibility over specific aspects of the child’s welfare or may divide those responsibilities between the parties based on the best interests of the child. Areas of responsibility may include primary residence, education, medical and dental care, and any other responsibilities which the court finds unique to a particular family.

b. The court shall order “sole parental responsibility, with or without visitation rights, to the other parent when it is in the best interests of” the minor child.

c. The court may award the grandparents visitation rights of a minor child if it is in the child’s best interest. Grandparents shall have legal standing to seek judicial enforcement of such an award. Nothing in this section shall require that grandparents be made parties or given notice of dissolution pleadings or proceedings, nor shall grandparents have legal standing as “contestants” as defined in s. 61.1306. No court shall order that a child be kept within the state or jurisdiction of the court solely for the purpose of permitting visitation by the grandparents.

3. Access to records and information pertaining to a minor child, including, but not limited to, medical, dental, and school records, shall not be denied to a parent because such parent is not the child’s primary residential parent.

(4)

(c) When a custodial parent refuses to honor a noncustodial parent’s or grandparent’s visitation rights without proper cause, the court shall, ~~may~~

~~1.~~ after calculating the amount of visitation improperly denied, award the noncustodial parent or grandparent a sufficient amount of extra visitation to compensate the noncustodial parent or grandparent, which visitation shall be ~~ordered taken~~ as expeditiously as possible in a manner consistent ~~which does not interfere~~ with the best interests of the child and scheduled in a manner that is convenient for the person deprived of visitation. In ordering any make-up visitation, the court shall schedule such visitation in a manner that is consistent with the best interests of the child or children and that is convenient for the noncustodial parent or grandparent. In addition, the court: ~~;~~

1. May order the custodial parent to pay reasonable court costs and attorney’s fees incurred by the noncustodial parent or grandparent to enforce their visitation rights or make up improperly denied visitation;

2. May order the custodial parent to attend the parenting course approved by the judicial circuit;

3. May order the custodial parent to do community service if the order will not interfere with the welfare of the child;

4. May order the custodial parent to have the financial burden of promoting frequent and continuing contact when the custodial parent and child reside further than 60 miles from the noncustodial parent;

5.2. May award the custody, rotating custody, or primary residence to the noncustodial parent, upon the request of the noncustodial parent, if the award is in the best interests of the child; or-

6. May impose any other reasonable sanction as a result of noncompliance.

(8) If the court orders that parental responsibility, including visitation, be shared by both parents, the court may not deny the noncustodial parent overnight contact and access or visitation with the child solely because of the age or sex of the child.

And the title is amended as follows:

On page 1, line 19, after the semicolon (;) insert: prohibiting a court that orders shared parental responsibility, including visitation, from denying overnight visitation to the noncustodial parent solely on the basis of certain factors;

On motions by Senator McKay, by two-thirds vote **CS for SB 1272** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—38 Nays—None

SB 2370—A bill to be entitled An act relating to bicycling; amending s. 316.2065, F.S.; requiring a bicycle rider who carries a young or small child as a passenger to provide certain safety equipment; prohibiting a bicycle rider from allowing a passenger to remain in a child seat or carrier when the rider is not in immediate control of the bicycle; requiring a bicycle rider or passenger under the age of 16 years to wear a bicycle helmet; specifying standards for bicycle helmets; providing a penalty; providing for dismissal of charges under specified circumstances; providing requirements for parents or guardians of children pertaining to the wearing of a helmet while riding a bicycle; prohibiting renting or leasing a bicycle without a helmet; providing for enforcement; providing penalties; providing exceptions; providing for the disposition of fines; providing for evidentiary application with respect to negligence; amending s. 318.18, F.S.; providing for the assessment of fines for certain violations of bicycle safety requirements; authorizing counties not to comply with certain provisions of s. 316.2065, F.S.; providing an effective date.

—was read the second time by title. On motions by Senator Sullivan, by two-thirds vote **SB 2370** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—26 Nays—12

The Senate resumed consideration of—

HB 349—A bill to be entitled An act relating to the Florida Telemarketing Act; amending s. 501.603, F.S.; revising the definitions of “commercial telephone solicitation” and “consumer goods or services”; amending s. 501.604, F.S.; clarifying exemptions for religious, charitable, political, or educational purposes and for other noncommercial purposes; combining exemptions relating to licensed securities, commodities, or investment broker, dealer, or investment adviser; defining “affiliate” for purposes of exemptions for supervised financial institutions and telephone companies; clarifying an exemption for certain licensed commercial telephone sellers; combining exemptions relating to funeral directing, embalming, and direct disposition and funeral and cemetery services; restricting the exemption relating to registered developers or exchange companies; defining “agent” for purposes of the exemption for publishers and agents of publishers; amending s. 501.605, F.S.; clarifying language relating to licensure of commercial telephone sellers; amending s.

501.608, F.S.; correcting cross references; amending s. 501.612, F.S.; providing that a plea of nolo contendere shall be considered a conviction when an applicant for licensure states on his or her application all convictions related to racketeering, fraud, theft, embezzlement, fraudulent conversion or misappropriation of property; amending s. 772.102, F.S.; including crimes relating to telemarketing within the definition of “criminal activity” for the purposes of the Civil Remedies for Criminal Practices Act; amending s. 895.02, F.S., to include crimes relating to telemarketing within the definition of “racketeering activity” for the purposes of the Florida RICO Act and reenacting ss. 16.56(1)(a), 27.34(1), 655.50(3)(g), 896.101(1)(g), and 905.34(3), F.S., to incorporate said amendment in references thereto; providing an effective date.

—which was previously considered this day.

Senator Weinstein moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 10, lines 5-10, delete those lines and insert: publisher by written agreement.

(27)(29) A person who is a licensed operator or an identification cardholder as defined in chapter 482, and who is soliciting within the scope of the chapter.

(28) A licensee, or an affiliate of a licensee, regulated under chapter 560, the Money Transmitters' Code, for foreign currency exchange services.

And the title is amended as follows:

On page 1, lines 21-23, delete those lines and insert: exchange companies; exempting licensees and affiliates regulated under the Money Transmitters' Code; amending s. 501.605,

On motion by Senator Weinstein, by two-thirds vote **HB 349** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

Consideration of **SB 1278** was deferred.

SB 2636—A bill to be entitled An act relating to the Constitution Revision Commission; creating the Constitution Revision Commission Steering Committee within the Executive Office of the Governor; providing for the composition, organization, and terms of the steering committee; providing powers and duties; providing for transfer of staff, equipment, and unexpended balance of appropriations from the Article V Task Force; providing for a report of the steering committee to the chair of the Constitution Revision Commission; providing an effective date.

—was read the second time by title.

The Committee on Rules and Calendar recommended the following amendment which was moved by Senator Dudley and adopted:

Amendment 1—On page 2, line 5, delete “June 1, 1997” and insert: the first meeting of the Constitutional Revision Commission

On motion by Senator Dudley, by two-thirds vote **SB 2636** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38 Nays—None

MOTION

On motion by Senator Jennings, the rules were waived and time of recess was extended until final action on **SB 2940** and completion of motions and announcements.

SB 2940—A bill to be entitled An act relating to highway safety; amending s. 322.292, F.S.; creating the DUI and Drug/Alcohol Traffic Education Commission; providing for membership; providing for mem-

bers' terms of office and reimbursement for per diem and travel expenses; providing for meetings, appointment of an executive director, commission autonomy, and development of a budget; reassigning duties from the Department of Highway Safety and Motor Vehicles to the commission; deleting obsolete references to ch. 396, F.S., which was repealed by s. 48 of ch. 93-39, Laws of Florida; providing additional duties of the commission; requiring annual reports; providing for a traffic-law and substance-abuse education course, to be approved and monitored by the commission; requiring the course curriculum to include specified subject matter; requiring the commission to contract for an independent evaluation of the effectiveness of the course; providing for fees; providing for rulemaking; requiring financial audits; amending s. 322.293, F.S.; providing for the transfer from the department to the commission of the DUI Programs Coordination Trust Fund and of the Drivers' Education Trust Fund; restricting the uses of the Drivers' Education Trust Fund; providing for an assessment to be collected, in conjunction with the traffic-law and substance-abuse education course, and deposited into the Drivers' Education Trust Fund; providing additional uses for moneys in the trust funds; amending s. 318.1451, F.S.; deleting cross-references to s. 322.095, F.S., which is repealed by this act; amending ss. 322.271, 322.291, F.S.; conforming those sections to the changes made by this act; repealing s. 322.095, F.S., relating to a traffic law and substance abuse education program for driver's license applicants, which the department is to approve and contract for; providing an effective date.

—was read the second time by title.

The Committee on Transportation recommended the following amendment which was moved by Senator Beard:

Amendment 1—On page 2, line 24 through page 3, line 9, delete those lines and insert: *Education Commission, consisting of the following eight members, two of whom shall be appointed by the Speaker of the House of Representatives, two of whom shall be appointed by the President of Senate, two of whom shall be appointed by the Secretary of State, and one of whom shall be appointed by the Governor, subject to confirmation by the Senate:*

(a) *One circuit judge with substantial experience in DUI matters appointed from among three judges recommended by the Florida Association of Chief Judges.*

(b) *One county judge with substantial experience in DUI matters appointed from among three judges recommended by the Conference of County Court Judges.*

(c) *Three citizens with substantial business managerial experience in the private sector, who have no direct involvement in the DUI system.*

(d) *One representative of the Florida Association of DUI Programs from among three persons recommended by that organization.*

(e) *One representative of Mothers Against Drunk Driving from among three persons recommended by that organization.*

(f) *The director of the Department of Highway Safety and Motor Vehicles or his designee.*

(2) *At least one member of the commission shall be appointed from each judicial appellate district, to ensure that all geographic regions of the state are represented. Members of the commission shall serve 4-year staggered terms, except that two of the members initially appointed shall serve a 2-year term, and two of the members initially appointed shall serve a 3-year term to ensure an equitable distribution of staggered terms. Should any member of the commission resign or otherwise fail to complete the full term, a replacement shall be appointed to serve the remainder of the term in the same manner as the original appointment.*

Senator Beard moved the following substitute amendment:

Amendment 2 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 322.292, Florida Statutes, is amended to read:

322.292 *DUI and Drug/Alcohol Traffic Education Commission programs supervision, powers and duties of the department.*—

(1) *There is created in the Department of Highway Safety and Motor Vehicles the DUI and Drug/Alcohol Traffic Education Commission, consisting of the following nine members, two of whom shall be appointed by the Speaker of the House of Representatives, two of whom shall be appointed by the President of the Senate, two of whom shall be appointed by the Secretary of State, and two of whom shall be appointed by the Governor, subject to confirmation by the Senate:*

(a) *One circuit judge with substantial experience in DUI matters appointed from among three judges recommended by the Florida Association of Chief Judges.*

(b) *One county judge with substantial experience in DUI matters appointed from among three judges recommended by the Conference of County Court Judges.*

(c) *Three citizens with substantial business managerial experience in the private sector, who have no direct involvement in the DUI system.*

(d) *One representative of the Florida Association of DUI Programs from among three persons recommended by that organization.*

(e) *One representative of Mothers Against Drunk Driving from among three persons recommended by that organization.*

(f) *The director of the Department of Highway Safety and Motor Vehicles or his designee.*

(g) *One representative of the Florida Association of Safety Council Executives.*

(2) *At least one member of the commission shall be appointed from each judicial appellate district, to ensure that all geographic regions of the state are represented. Members of the commission shall serve 4-year staggered terms, except that two of the members initially appointed shall serve a 2-year term, and two of the members initially appointed shall serve a 3-year term to ensure an equitable distribution of staggered terms.*

(3) *The chairperson and vice chairperson of the commission shall be elected annually from the membership of the commission.*

(4) *If a vacancy occurs on the commission, a replacement shall be appointed to serve the remainder of the term in the same manner as the original appointment.*

(5) *Commission members shall serve without compensation but are entitled to reimbursement for per diem and travel expenses, as provided in s. 112.061.*

(6) *The commission shall meet at least quarterly, or more frequently at the call of the chairperson. Five members of the commission shall constitute a quorum, and a majority vote of the members present is necessary for any action taken by the commission.*

(7) *The Governor may remove any member of the commission for cause.*

(8) *The commission shall appoint an executive director, who shall serve under the direction, supervision, and control of the commission. The executive director, with the consent of the commission, shall employ such personnel as are necessary to perform adequately the functions of the commission within budgetary limitations. Employees of the commission are exempt from the Career Service System.*

(9) *The commission is assigned to the office of the Executive Director of Highway Safety and Motor Vehicles for administrative and fiscal accountability purposes, but it is otherwise independent of the department.*

(10) *The commission shall develop a budget pursuant to chapter 216. The budget is not subject to being changed by the departmental staff after it has been approved by the commission, but it shall be transmitted to the Governor and Cabinet, as head of the department, along with the department's budget. The operation of the commission shall be funded solely from the DUI Programs Coordination Trust Fund, as set forth in this section or other funds appropriated by the legislature.*

(11)(4) *The commission Department of Highway Safety and Motor Vehicles shall license and regulate all DUI programs, which regulation*

shall include the certification of instructors, evaluators, clinical supervisors, and *special supervision services evaluators evaluator supervisors*. The *commission department* shall, after consultation with the chief judge of the affected judicial circuit, establish requirements regarding the number of DUI programs to be offered within a judicial circuit. Such requirements shall address the number of clients currently served in the circuit as well as improvements in service that may be derived from operation of an additional DUI program. DUI education and evaluation services are exempt from licensure under *chapter chapters 396 and 397*. However, treatment programs must continue to be licensed under *chapter chapters 396 and 397*.

(12)(2) The *commission department* shall adopt rules to implement its supervisory authority over DUI programs in accordance with the procedures of chapter 120, including the establishment of uniform standards of operation for DUI programs and the method for setting and approving fees, by ~~as follows~~:

(a) *Establishing Establish* minimum standards for statutorily required education, evaluation, and supervision of DUI offenders. Such minimum standards previously adopted by the *Department of Highway Safety and Motor Vehicles Traffic Court Review Committee of the Supreme Court of Florida* shall remain in effect unless modified by the *commission department*.

(b) *Establishing Establish* minimum standards for the administration and financial management of DUI programs, including, but not limited to:

1. Standards governing the types of expenditures that may be made by DUI programs from funds paid by persons attending such programs.

2. Standards for financial reporting that require data on DUI programs expenditures in sufficient detail to support reasonable and informed decisions concerning the fees that are to be assessed those attending DUI programs. The *commission department* shall perform *certified* financial audits of DUI programs required under this section or require that financial audits of the programs be performed by certified public accountants at program expense and submitted directly from the auditor to the *commission department*.

3. Standards of reciprocity in relation to DUI programs in other states or countries that have programs similar to the DUI programs licensed by the *commission department*.

4. *Standards for the special supervision services component of DUI program services.*

5.4. Such other standards as the *commission considers department* deems appropriate and necessary for the effective oversight of the DUI programs.

(c) *Implementing Implement* procedures for the granting and revoking of licenses for DUI programs.

(d) *Establishing Establish* a fee structure for the various programs offered by the DUI programs, based only on the reasonable and necessary costs for operating the programs throughout the state. The *commission department* shall approve *or, modify, or reduce* fees as necessary. The DUI programs fees that are in effect on *July 1, 1996 January 1, 1994*, shall remain in effect *unless until* the *commission department* adopts a *different fee schedule for the DUI programs system. After the adoption of the schedule, the DUI programs shall adjust their fees to conform with the fee schedule adopted by the commission established amounts.*

(e) *Establishing Establish* policies and procedures for monitoring DUI programs compliance with all minimum standards established by the *commission department*.

(13)(f) The *commission department* shall oversee an ongoing evaluation to assess the effectiveness of the DUI programs. This evaluation shall be performed by an independent group and shall evaluate the curriculum, client treatment referrals, recidivism rates, and any other relevant matters. ~~The department shall report to the Legislature by January 1, 1996, on the status of the evaluation, including its design and schedule for completion.~~ The *commission department* may use funds received under s. 322.293 to retain the services and reimburse expenses of such private persons or professional consultants as are required for monitoring and evaluating DUI programs.

(14)(g) *The commission shall investigate complaints about the DUI programs and resolve problems in the provision of services to DUI offenders, as needed.*

(15) *The commission shall serve as a clearinghouse for information about DUI programs and services, innovations in DUI education and treatment, training of DUI program staff, funding sources, and coordination of DUI services.*

(16) *The commission shall submit an annual report to the Governor and Cabinet, the President of the Senate, and the Speaker of the House of Representatives by January 1 each year.*

(17)(3) All DUI programs and certified program personnel providing DUI programs services that ~~are licensed by the Department of Highway Safety and Motor Vehicles meet the department's standards and that are operating on July 1, 1996 January 1, 1994, shall continue to be licensed by the commission, in accordance with rules adopted by the commission may remain in operation until the department's license procedures are in place. At that time the DUI programs and certified program personnel may apply for relicensure.~~

(18)(4) DUI programs shall be either governmental programs or not-for-profit corporations.

(19) *Commission oversight of traffic-law and substance-abuse education courses. —*

(a) *The commission shall approve and monitor curriculums of traffic-law and substance-abuse education courses. A course must be completed by all applicants for a Florida driver's license, except those who have been licensed in any other jurisdiction or who have satisfactorily completed an approved Department of Education driver's education course offered pursuant to s. 233.063. The course curriculums must provide for instruction in the physiological and psychological consequences of the abuse of alcohol and other drugs, the societal and economic costs of alcohol abuse and drug abuse, the effects of alcohol abuse and drug abuse on the driver of a motor vehicle, and the laws of this state relating to the operation of a motor vehicle. Each instructor who teaches a course must be certified by the commission. The course providers must ensure that programs conducting the approved courses comply with the standards established by the commission, and that the courses are offered at locations that are reasonably accessible to most applicants. No course may be offered in a building where alcoholic beverages are sold or served.*

(b) *The commission shall contract for an independent evaluation of the traffic-law and substance-abuse education courses, and shall provide to the Legislature by October 1, 2000, documentation of the effectiveness of the courses. DUI programs licensed under this section and driver improvement schools may offer the traffic-law and substance-abuse education courses under contract with the approved course providers. The program must issue a certificate to each person who successfully completes a course.*

(c) *The completion of the traffic-law and substance-abuse education course does not qualify a person for the reinstatement of a driver's license that has been suspended or revoked.*

(d) *The fee charged by a program conducting a traffic-law and substance-abuse education course must bear a reasonable relationship to the cost of the course. The commission may adopt rules to implement this section. The commission shall either conduct financial audits of the course providers and programs conducting the traffic-law and substance-abuse education courses or require that certified financial audits be performed at the expense of the provider or program by a certified public accountant.*

(5) ~~The department shall report to the Supreme Court by December 1, 1994, and by December 31 of each succeeding year through 1996, on the general status of the statewide program. This report must include programmatic and statistical information regarding the number of licensed programs, enrollment and referral figures, program monitoring and evaluation activities, and findings, and the general steps taken by the department to implement the provisions of this section.~~

Section 2. Section 322.293, Florida Statutes, is amended to read:

322.293 DUI Programs Coordination Trust Fund; assessment; disposition. —

(1) The DUI Programs Coordination Trust Fund, created pursuant to chapter 81-208, Laws of Florida, shall be transferred to the *DUI and Drug/Alcohol Traffic Education Commission* ~~department~~ with all funds therein on July 1, 1996 ~~January 1, 1994~~. The DUI Programs Section of the ~~department~~ *Coordination Office* shall be transferred from the budget of the ~~Supreme Court to the~~ Department of Highway Safety and Motor Vehicles Division of Driver Licenses to the *commission*. The transfer shall include all of the statutory powers, rules, duties and functions, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds. All personnel shall be transferred at their current classifications and levels of compensation. Any legal commitments, contracts, and other obligations heretofore entered into on behalf of or assumed by the ~~department~~ *DUI Programs Coordination Office* in connection with the performance of its functions and duties pursuant to this section and s. 322.292 are charged to and shall be performed by the *commission* ~~department~~.

(2) The DUI Programs Coordination Trust Fund shall be administered by the *commission* ~~department~~, and the costs of administration shall be borne by the fund. All funds received by the DUI Programs Coordination Trust Fund shall be used solely for the purposes set forth in this section and s. 322.292 pertaining to the licensure and regulation of DUI programs and regulation of the traffic-law and substance-abuse education course. ~~However, if the Legislature passes legislation consolidating existing trust funds assigned to the department, all funds remaining in and deposited to the DUI Programs Coordination Trust Fund shall be transferred to the consolidated trust funds, subject to their being earmarked for use solely for the purposes set forth in this section and s. 322.292.~~

(3) Each DUI program shall assess \$12 against each person enrolling in a DUI program at the time of enrollment, including persons who transfer to or from a program in another state. In addition, second and third offenders and those offenders under permanent driver license revocation who are evaluated for eligibility for restricted licenses pursuant to s. 322.271(2)(b) and (4) shall be assessed \$12 upon enrollment in the program and upon each subsequent anniversary date while they are in the program, for the duration of the restricted license period.

(4) All assessments collected under this ~~subsection~~ *section* shall be forwarded to the *commission* ~~DUI Programs Coordination Trust Fund~~ within 30 days after the last day of the month in which the assessment was received. ~~All such assessment fees received by the commission shall be deposited into the DUI Programs Coordination Trust Fund.~~

(4) Each program conducting the traffic-law and substance-abuse education course must collect a \$3 assessment fee in addition to the enrollment fee from each student who completes the course. The \$3 assessment fee must be forwarded to the department for deposit into the Highway Safety Operating Trust Fund within 30 days after the last day of the month in which the assessment was received. All expenditures appropriated by the Legislature for regulation of the traffic-law and substance-abuse education courses shall be transferred to the *DUI Programs Coordination Trust Fund*.

(5) The *DUI Programs Coordination Trust Fund* may be used by the *commission* to provide education for program administrators, instructors, evaluators, *commission* members and staff, and to conduct educational conferences for persons involved in *DUI and traffic-law and substance-abuse education programs*.

Section 3. Subsection (1) of section 318.1451, Florida Statutes, is amended to read:

318.1451 Driver improvement schools.—

(1) The Department of Highway Safety and Motor Vehicles shall approve the courses of all driver improvement schools, as the courses relate to ss. 318.14(9), 322.0261, ~~322.095~~, and 322.291. The chief judge of the applicable judicial circuit may establish requirements regarding the location of schools within the judicial circuit. A person may engage in the business of operating a driver improvement school that offers department-approved courses related to ss. 318.14(9), 322.0261, ~~322.095~~, and 322.291.

Section 4. Subsection (5) of section 327.08, Florida Statutes, is amended to read:

322.08 Application for license.—

(5) After December 31, 1989, the department may not issue a driver's license to a person who has never been issued a driver's license in any jurisdiction until he or she successfully completes the traffic law and substance abuse education course approved by the *DUI and Drug/Alcohol Traffic Education Commission* ~~prescribed in s. 322.095~~.

Section 5. Paragraph (b) of subsection (2) and subsections (4) and (5) of section 322.271, Florida Statutes, are amended to read:

322.271 Authority to modify revocation, cancellation, or suspension order.—

(2)

(b) A person whose license has been revoked for a period of 5 years or less pursuant to s. 322.28(2)(a) may, upon the expiration of 12 months after the date ~~the said~~ revocation was imposed, petition the department for reinstatement of his or her driving privilege on a restricted basis. A person whose license has been revoked for a period of more than 5 years under s. 322.28(2)(a) may, upon the expiration of 24 months after the date the revocation was imposed, petition the department for reinstatement of his or her driving privilege on a restricted basis. Reinstatement of the driving privilege pursuant to this subsection shall be restricted to business or employment purposes only. In addition, the department shall require such persons upon reinstatement to have not driven and to have been ~~drug-free~~ *drug-free* for at least 12 months immediately prior to ~~such~~ reinstatement, to be supervised by a DUI program licensed by the *DUI and Drug/Alcohol Traffic Education Commission* ~~department~~, and to report to the program at least three times a year as required by the program for the duration of the revocation period for supervision. Such supervision shall include evaluation, education, referral into treatment, and other activities required by the *commission* ~~department~~. Such persons shall assume reasonable costs of supervision. If such a person fails to comply with the required supervision, the program shall report the failure to the department, and the department shall cancel ~~the such~~ person's driving privilege. This paragraph does not apply to any person whose driving privilege has been permanently revoked.

(4) Notwithstanding the provisions of s. 322.28(2)(e), a person whose driving privilege has been permanently revoked because he or she has been convicted four times of violating s. 316.193 or former s. 316.1931 or because he or she has been convicted of manslaughter resulting from the operation of a motor vehicle or vehicular homicide and has been convicted of violating s. 316.193 or former s. 316.1931, may, upon the expiration of 5 years after the date of ~~such~~ revocation, petition the department for reinstatement of his or her driving privilege.

(a) Within 30 days after the receipt of such a petition, the department shall afford the petitioner an opportunity for a hearing. At the hearing, the petitioner must demonstrate to the department that he or she:

1. Has not been arrested for a drug-related offense during the 5 years preceding the filing of the petition;
2. Has not driven a motor vehicle without a license for at least 5 years prior to the hearing;
3. Has been drug-free for at least 5 years prior to the hearing; and
4. Has completed a DUI program licensed by the *DUI and Drug/Alcohol Traffic Education Commission* ~~department~~.

(b) At ~~the such~~ hearing, the department shall determine the petitioner's qualification, fitness, and need to drive. Upon ~~making that such~~ determination, the department may, in its discretion, reinstate the driver's license of the petitioner. Such a reinstatement must be made subject to the following qualifications:

1. The license must be restricted for employment purposes for not less than 1 year; and
2. ~~The Such~~ person must be supervised by a DUI program licensed by the *DUI and Drug/Alcohol Traffic Education Commission* ~~department~~ and report to the program for such supervision and education at least four times a year or ~~more additionally~~ as required by the program for the remainder of the revocation period. Such supervision ~~must shall~~

include evaluation, education, referral into treatment, and other activities required by the department.

(c) ~~The~~ ~~Such~~ person must assume the reasonable costs of supervision. ~~If the such~~ person fails to comply with the required supervision, the program shall report the failure to the department, and the department shall cancel ~~the such~~ person's driving privilege.

(d) If, after reinstatement, such a person is convicted of an offense for which mandatory revocation of his or her license is required, the department shall revoke his or her driving privilege.

(e) ~~The DUI and Drug/Alcohol Traffic Education Commission department~~ shall adopt rules regulating the providing of services by DUI programs pursuant to this section.

(5) A person may not be issued a commercial driver's license during a period in which ~~he or she such person~~ is disqualified from operating commercial motor vehicles or in which ~~his or her the~~ driving privilege of ~~such person~~ is suspended, revoked, or canceled.

Section 6. Section 322.291, Florida Statutes, is amended to read:

322.291 Driver improvement schools; required in certain suspension and revocation cases.—Except as provided in s. 322.03(2), any person:

(1) Whose driving privilege has been revoked:

(a) Upon conviction for:

1. Driving, or being in actual physical control of, any vehicle while under the influence of alcoholic beverages, any chemical substance set forth in s. 877.111, or any substance controlled under chapter 893, in violation of s. 316.193;

2. Driving with an unlawful blood or breath alcohol level;

3. Manslaughter resulting from the operation of a motor vehicle;

4. Failure to stop and render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another;

5. Reckless driving; or

(b) As an habitual offender;

(c) Upon direction of the court, if the court feels that the seriousness of the offense and the circumstances surrounding the conviction warrant the revocation of the licensee's driving privilege; or

(2) Whose license was suspended under the point system, was suspended for driving with an unlawful blood alcohol level of 0.10 percent or higher before January 1, 1994, was suspended for driving with an unlawful blood alcohol level of 0.08 percent or higher after December 31, 1993, or was suspended for refusing to submit to a lawful breath, blood, or urine test as provided in s. 322.2615

shall, before the driving privilege may be reinstated, present to the department proof of enrollment in a department-approved advanced driver improvement course or a substance abuse education course that is approved by the *DUI and Drug/Alcohol Traffic Education Commission*. If the person fails to complete such a course within 90 days after reinstatement, the driver's license shall be canceled by the department until the person *successfully completes* such a course ~~is successfully completed~~.

Section 7. Section 322.095, Florida Statutes, is repealed.

Section 8. This act shall take effect July 1, 1996.

And the title is amended as follows:

Delete everything before the enacting clause and insert A bill to be entitled An act relating to highway safety; amending s. 322.292, F.S.; creating the *DUI and Drug/Alcohol Traffic Education Commission*; providing for membership; providing for members' terms of office and reimbursement for per diem and travel expenses; providing for meetings, appointment of an executive director, commission autonomy, and development of a budget; reassigning duties from the Department of Highway

Safety and Motor Vehicles to the commission; deleting obsolete references to ch. 396, F.S., which was repealed by s. 48 of ch. 93-39, Laws of Florida; providing additional duties of the commission; requiring annual reports; providing for traffic-law and substance-abuse education courses, to be approved and monitored by the commission; requiring the course curriculums to include specified subject matter; requiring the commission to contract for an independent evaluation of the effectiveness of the courses; providing for fees; providing for rulemaking; requiring financial audits; amending s. 322.293, F.S.; providing for the transfer from the department to the commission of the *DUI Programs Coordination Trust Fund*; providing for an assessment to be collected in conjunction with the traffic-law and substance-abuse education course and deposited into the *Highway Safety Operating Trust Fund*; providing for legislative appropriations for the regulation of the traffic-law and substance-abuse education courses to be transferred to the *DUI Programs Coordination Trust Fund*; providing uses for moneys in the trust fund; amending s. 318.1451, F.S.; deleting cross-references to s. 322.095, F.S., which is repealed by this act; amending s. 322.08, F.S.; requiring attendance at a commission-approved traffic-law and substance-abuse education course; amending ss. 322.271, 322.291, F.S.; conforming those sections to the changes made by this act; repealing s. 322.095, F.S., relating to a traffic law and substance abuse education program for driver's license applicants, which the department is to approve and contract for; providing an effective date.

Senator Childers moved the following amendments to **Amendment 2** which were adopted:

Amendment 2A—On page 1, lines 24-28, delete those lines and insert: Education Commission, consisting of the following eight members, two of whom shall be appointed by the Speaker of the House of Representatives, two of whom shall be appointed by the President of the Senate, two of whom shall be appointed by the Secretary of State, and one of whom shall be appointed by

Amendment 2B—On page 2, lines 16 and 17, delete those lines

Amendment 2 as amended was adopted.

On motion by Senator Beard, by two-thirds vote **SB 2940** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38 Nays—None

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Thursday, April 25, 1996: CS for SB's 386, 732 and 1208, SB 1868, SB 324, SB 996, SB 1050, CS for SB 1272, SB 2370, SB 1278, SB 2636, SB 2940, CS for SB 790, CS for SB 1268, SB 1670, CS for SB 336, SB 488, CS for SB 102, CS for SB 1004, SB 650, CS for SB 1888, SB 1736, SB 1720, SB 1812, SB 540, SB 272, SB 248, CS for SB 616, SB 1850, SB 2368, SB 820, CS for SB 1180, CS for CS for SB 16, CS for CS for SB 234, CS for SB 494, CS for SB 526, CS for SB 1280, SB 630, SB 1870, SB 2760, SB 590, CS for SB 1096, SB 1274, CS for SB 2008, CS for SB 2564, CS for CS for SB 228

Respectfully submitted,
Toni Jennings, Chairman

The Committee on Education recommends the following pass: SB 1770, SB 2768

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

The Committee on Education recommends the following pass: SB 2440 with 1 amendment

The Committee on Natural Resources recommends the following pass: SB 2582 with 1 amendment

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

The Committee on Regulated Industries recommends the following pass: SB 678 with 1 amendment

The bill was referred to the Committee on Governmental Reform and Oversight under the original reference.

The Committee on Education recommends the following pass: SB 2752

The Committee on Judiciary recommends the following pass: CS for SB 716

The Committee on Ways and Means recommends the following pass: SJR 216

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

The Committee on Judiciary recommends the following pass: SB 860

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

The Committee on Education recommends the following pass: SB 174, SB 920 with 1 amendment, SB 1992 with 5 amendments, SB 2228 with 1 amendment

The Committee on Judiciary recommends the following pass: CS for SB's 12 and 406 with 2 amendments, SB 2338 with 1 amendment

The Committee on Natural Resources recommends the following pass: SB 1788, SB 2824 with 1 amendment

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

The Committee on Agriculture recommends the following pass: CS for SB 2954 with 3 amendments

The Committee on Education recommends the following pass: SB 66, SB 754 with 1 amendment

The Committee on Health Care recommends the following pass: SB 2778 with 1 amendment

The Committee on Judiciary recommends the following pass: SB 422 with 1 amendment, SB 852 with 2 amendments, CS for SB 1702 with 1 amendment, CS for SB 1760 with 1 amendment, SB 2494 with 2 amendments

The Committee on Ways and Means recommends the following pass: SB 54, CS for SB 130 with 2 amendments, SB 220, CS for SB 434, SB 556 with 2 amendments, SB 1168, SB 1182, CS for SB 1288 with 2 amendments, SB 1290, CS for SB 1690, CS for SB 1970 with 4 amendments, SB 1984

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

The Committee on Education recommends the following not pass: SB 696

The bill was laid on the table.

The Committee on Community Affairs recommends a committee substitute for the following: SB 2968

The bill with committee substitute attached was referred to the Committee on Commerce and Economic Opportunities

under the original reference.

The Committee on Governmental Reform and Oversight recommends a committee substitute for the following: SB 1318

The Committee on Health Care recommends a committee substitute for the following: SB 918

The Committee on Judiciary recommends a committee substitute for the following: SB 1952

The Committee on Natural Resources recommends a committee substitute for the following: SB 2552

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

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 2698

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

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 2660

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

The Committee on Health Care recommends a committee substitute for the following: SB 2886

The Committee on Natural Resources recommends a committee substitute for the following: SB 3098

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

The Committee on Community Affairs recommends committee substitutes for the following: SJR 2902, SB 2904

The Committee on Governmental Reform and Oversight recommends committee substitutes for the following: SB 1194, SB 2870, CS for SB 2922

The Committee on Health Care recommends committee substitutes for the following: CS for SB's 586 and 1144, CS for SB 2004

The Committee on Higher Education recommends committee substitutes for the following: SB 2348, CS for SB 2844

The Committee on Judiciary recommends committee substitutes for the following: SB 218, SB 2576

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

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

The Committee on Natural Resources recommends a committee substitute for the following: SB 2000

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

REPORTS OF SUBCOMMITTEES

The Subcommittee on Claim Bills recommends favorably to the full committee the following: SB 1172 with 1 amendment, SB 2654, SB 2730 with 1 amendment

*Fred R. Dudley, Chairman
Subcommittee on Claim Bills
Committee on Judiciary*

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Judiciary and Senators Rossin and Ostalkiewicz—

CS for SB 218—A bill to be entitled An act relating to liability of public schools; amending s. 232.25, F.S.; revising provisions regarding the duty and authority of public schools to supervise students; providing an effective date.

By the Committees on Health Care; Health and Rehabilitative Services; and Senators Bankhead, Forman, Brown-Waite and Johnson—

CS for CS for SB's 586 and 1144—A bill to be entitled An act relating to Medicaid managed long-term-care community diversion pilot projects; creating the "Medicaid Managed Long-Term-Care Community Diversion Pilot Project Act"; providing legislative findings and intent; providing a short title; providing definitions; directing the Agency for Health Care Administration to apply for necessary waivers; specifying information that must be included in the application; directing the Department of Elderly Affairs to implement pilot projects; requiring the department to obtain certain information before implementing the projects; specifying requirements for the projects; exempting the community diversion pilot project areas from the provisions of s. 28, ch. 95-418, Laws of Florida; directing the department to redesign activities related to nursing home preadmission screening; specifying those individuals who must be screened in the project areas; directing the department to issue a request for proposals; specifying selection criteria to be used when contracting; directing the Agency for Health Care Administration to modify the certificate-of-need process in the project areas; directing the department to develop standards; providing for review of the projects based on those standards; requiring reports; creating a long-term-care advisory council; specifying membership; requiring a meeting by a specified date; designating topics to be discussed and evaluated; requiring a report; amending s. 400.071, F.S.; modifying factors that the Agency for Health Care Administration must consider when issuing a license; providing an effective date.

By the Committee on Health Care and Senator Grant—

CS for SB 918—A bill to be entitled An act relating to health care responsibility; directing the Agency for Health Care Administration to convene a task force on The Florida Health Care Responsibility Act of 1988; providing for membership; specifying topics for task force study; requiring a report; providing agency duties; providing an effective date.

By the Committee on Governmental Reform and Oversight—

CS for SB 1194—A bill to be entitled An act relating to the regulation of professions and occupations; amending ss. 326.002, 326.003, 326.004, and 326.006, F.S., relating to the "Yacht and Ship Brokers' Act"; transferring the regulation of yacht and ship brokers from the Division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business and Professional Regulation to the Division of Professions of the department; conforming terminology; amending s. 402.48, relating to health care services pools, and repealing a conflicting version of paragraph (8)(d), relating to payment of judgments from an escrow account or letter of credit; transferring the regulation of health care services pools from the Department of Business and Professional Regulation to the Agency for Health Care Administration; conforming terminology; amending s. 455.203, F.S.; providing that a licensee acknowl-

edges compliance with all requirements for renewal upon submitting the appropriate renewal fees to the Department of Business and Professional Regulation or the Agency for Health Care Administration, as applicable; amending s. 455.219, F.S.; authorizing regulatory boards, or the department if there is no board, to charge a fee for authorized inspections; amending s. 455.227, F.S.; exempting licensees participating in mediation or professional review proceedings from being disciplined for failing to report violators; amending s. 468.542, F.S.; providing definitions for classes of water and wastewater operators; defining "operator trainee"; amending s. 468.543, F.S.; providing for the registration of water and wastewater operator trainees; amending s. 468.547, F.S.; providing a registration fee; amending s. 468.549, F.S.; providing for continuing education requirements for water and wastewater operators; amending s. 468.551, F.S.; prohibiting operation of water or domestic wastewater treatment plants by unregistered operator trainees; providing penalties; amending s. 468.627, F.S.; revising an exemption from examination fees applicable to building code administrators and inspectors for employees of local government agencies having building code inspection, regulation, and enforcement responsibilities; amending s. 469.001, F.S.; revising definitions applicable to asbestos abatement; amending s. 469.002, F.S.; revising an exemption relating to asbestos-related activities by governmental employees; amending s. 469.004, F.S.; exempting asbestos consultants from licensure under certain circumstances relating to the moving, removal, or disposal of asbestos-containing roofing materials; amending s. 469.006, F.S.; eliminating reference to consultant or contractor seals, and requiring a signature instead; repealing s. 469.015, F.S., relating to seals; amending s. 470.0085, F.S., relating to the embalmer apprentice program; providing applicability with respect to certain students; amending s. 470.009, F.S.; reorganizing provisions relating to licensure as a funeral director by examination, to clarify applicability of the internship requirement; amending s. 470.024, F.S.; providing licensing limitations with respect to colocated facilities; requiring the relicensure of funeral establishments whose ownership has changed; amending s. 470.029, F.S.; providing a filing date for monthly reports on final dispositions; amending s. 470.0301, F.S.; providing requirements for registration of centralized embalming facilities; providing for application, late, and inspection fees; creating s. 470.0315, F.S.; providing for the storage, preservation, and transportation of human remains; creating s. 470.0355, F.S.; providing for the identification of human remains; amending s. 473.306, F.S.; providing for appointment of an Educational Advisory Committee for purposes of maintaining proper educational qualifications for licensure of certified public accountants; creating s. 473.3065, F.S.; establishing the Certified Public Accountant Education Assistance Program; providing for scholarships to eligible students; providing for the funding of scholarships; requiring Board of Accountancy rules; providing a penalty for certain violations; creating an advisory committee to assist in program administration; amending s. 473.312, F.S.; providing for appointment of a Continuing Professional Education Advisory Committee for purposes of maintaining proper continuing education requirements for renewal of licensure of certified public accountants; amending s. 474.203, F.S.; revising exemptions from veterinary practice regulations relating to the holders of veterinary faculty certificates and to certain persons assisting a licensed veterinarian; providing an exemption for registered interns and residents; providing an exemption for out-of-state licensees whose presence is requested by an in-state licensee and prohibiting such a licensee from applying for a premises permit; amending s. 474.214, F.S.; increasing the administrative fine the Board of Veterinary Medicine may impose as a disciplinary measure; reenacting ss. 474.207(2) and 474.217(2), F.S., relating to licensure qualifications and licensure by endorsement, to incorporate the amendment to s. 474.214, F.S., in references thereto; amending s. 474.215, F.S.; requiring limited service veterinary medical practice permittees to register each location; providing a registration fee for such purpose; amending s. 475.01, F.S.; redefining the terms "fiduciary," "disclosed dual agent," "transaction broker," and "single agent" and defining the term "first substantive contact" with respect to real estate brokers and salespersons; creating s. 475.012, F.S.; providing legislative findings and intent on presumption of transaction broker relationship; creating ss. 475.015, 475.016, and 475.017, F.S.; providing requirements with respect to disclosed dual agents, transaction brokers, and single agents, respectively; prohibiting certain causes of action; amending s. 475.15, F.S.; eliminating a provision that requires the automatic cancellation of the registration of a real estate broker partnership upon the lapse in licensure or registration of any of its partners; amending s. 475.25, F.S.; revising a ground for disciplinary action to exempt licensees from the reporting of certain violators; revising disciplinary provisions with respect to single agency, dual agency, and transaction brokerage, for which there are penalties;

providing that violations of certain standards of the Appraisal Foundation are grounds for the Florida Real Estate Commission to deny, revoke, or suspend the license of, or to fine, real estate brokers or salespersons; providing a penalty for failure to disclose; creating s. 475.256, F.S.; providing for the abrogation of common law agency with respect to pt. I of ch. 475, F.S., relating to real estate brokers, salespersons, and schools; creating s. 475.257, F.S.; authorizing the use of electronic or facsimile signatures or writing; creating s. 475.258, F.S.; providing that certain disclosure to an agent, broker, or transaction broker is deemed to satisfy the disclosure requirements of pt. I of ch. 475, F.S.; creating s. 475.259, F.S.; providing that certain ministerial acts performed by a real estate broker are not to be construed as forming a transaction brokerage or agency agreement; creating s. 475.261, F.S.; providing clarification with respect to duty of broker to act with reasonable skill, care, and diligence; amending s. 475.451, F.S.; revising provisions relating to the permitting of instructors for proprietary real estate schools or state institutions; providing permit renewal requirements; amending s. 475.452, F.S.; providing restrictions applicable to advance fees for brokers auctioning real property; creating s. 475.6145, F.S.; providing for a seal for the Florida Real Estate Appraisal Board to authenticate its proceedings, records, and acts; amending s. 477.011, F.S.; renaming the "Florida Cosmetology Act" as the "Florida Barbering and Cosmetology Act"; combining barbering and cosmetology within a single practice act; amending s. 477.012, F.S., relating to purpose, to conform; providing legislative intent; amending s. 477.013, F.S.; revising and providing definitions; amending s. 477.0135, F.S., relating to exemptions, to conform; amending s. 477.015, F.S.; creating the Board of Barbering and Cosmetology and providing for its members and duties; amending s. 477.017, F.S.; providing for legal, investigative, and inspection services by the Department of Business and Professional Regulation; amending s. 477.019, F.S.; revising qualifications for licensure as a barber or cosmetologist; providing for biennial renewal; providing for a restricted barbering license; providing continuing education requirements; amending s. 477.0212, F.S., relating to inactive status, to conform; eliminating a reference to reactivation and renewal fees; amending s. 477.022, F.S., relating to examinations, to conform; providing requirements relating to reexaminations; eliminating an obsolete provision relating to testing facilities; amending and renumbering s. 477.0201, F.S.; revising specialty registration requirements; providing for biennial renewal; amending s. 477.025, F.S.; revising licensure provisions for barbershops and cosmetology and specialty salons; requiring display of establishment and practitioner licenses and registrations; providing for the licensure of mobile barbershops, mobile cosmetology salons, and mobile specialty salons; amending and renumbering s. 477.0263, F.S., relating to services authorized to be performed in licensed barbershops and salons, to conform; amending s. 477.026, F.S.; revising and providing fees; eliminating a provision relating to submission of a proposed budget; amending and renumbering s. 477.023, F.S., relating to licensure of schools, to conform; amending and renumbering s. 477.0132, F.S., relating to hair braiding registration; providing for biennial renewal; amending and renumbering s. 477.0265, F.S., relating to prohibited acts, to conform; amending s. 477.029, F.S.; revising and providing grounds for discipline; providing penalties; amending s. 477.031, F.S., relating to civil proceedings; amending and renumbering s. 476.254, F.S., relating to a saving clause; repealing the remainder of chapter 476, F.S., relating to barbering, and consisting of ss. 476.014, 476.024, 476.034, 476.044, 476.054, 476.064, 476.074, 476.114, 476.124, 476.134, 476.144, 476.154, 476.155, 476.178, 476.184, 476.188, 476.192, 476.194, 476.204, 476.214, 476.234, and 476.244, F.S., to conform; repealing ss. 477.014, 477.016, 477.018, 477.0213, and 477.028, F.S., relating to qualifications for practice, rule-making, investigative services, cosmetology graduates of the Florida School for the Deaf and the Blind, and disciplinary proceedings, to conform; amending ss. 455.2228, and 480.034, F.S.; correcting references; providing for a transitional Board of Barbering and Cosmetology; providing for continuation of current rules, contracts, investigations, and prosecutions; renaming the Board of Massage as the Board of Massage Therapy and transferring the board to the Agency for Health Care Administration; amending ss. 20.42, 480.033, 480.035, 480.039, 480.041, 480.042, 480.0425, 480.043, 480.044, 480.046, 480.047, and 480.049, F.S., to conform; amending s. 480.032, F.S.; providing legislative intent with respect to regulation of the practices of massage therapy and reflexology by a single board; amending s. 480.033, F.S.; defining the terms "reflexology" and "reflexologist"; creating s. 480.0481, F.S.; providing for qualification, licensure, and provisional licensure of reflexologists; providing fees; providing for adoption of rules governing the licensure and operation of reflexology establishments; creating s. 480.0482, F.S.; establishing examination requirements; providing for licensure by examination or without examination for an interim period; amending s.

480.047, F.S.; prohibiting certain acts relating to reflexology; providing penalties; providing an appropriation relating to reflexology; amending s. 480.044, F.S.; providing for a nonrefundable fee for all applications; amending s. 489.103, F.S.; limiting the ordinances, rules, or regulations that a municipality or county may adopt with respect to the installation or maintenance of water conditioning units; providing an exemption from regulation for the sale, delivery, assembly, or tie-down of prefabricated portable sheds under specified circumstances; amending s. 489.105, F.S.; revising and providing definitions applicable to contractors; requiring a study of the structure and composition of regulatory boards; requiring a report; amending s. 489.113, F.S.; revising provisions that authorize persons who are not certified or registered to perform construction work under the supervision of a person who is certified or registered; providing that expansion of the scope of practice of any type of contractor does not limit the scope of practice of any existing type of contractor unless the Legislature expressly provides such limitation; repealing s. 489.1135, F.S., relating to the designation and certification of underground utility and excavation contractors for businesses that were qualified by the Department of Transportation by a specified date; amending s. 489.115, F.S.; authorizing certificateholders and registrants to apply continuing education courses earned under other regulatory provisions under certain circumstances; amending s. 489.119, F.S.; detailing what constitutes an incomplete contract for purposes of temporary certification or registration of a business organization; amending s. 489.127, F.S.; revising and providing penalties applicable to violations of construction contracting provisions; amending s. 489.131, F.S., relating to applicability; conforming a cross-reference; amending s. 489.140, F.S.; eliminating a provision that requires the transfer of surplus moneys from fines into the Construction Industries Recovery Fund; amending s. 489.141, F.S.; clarifying provisions relating to conditions for recovery from the fund; eliminating a notice requirement; revising a limitation on the making of a claim; amending s. 489.142, F.S.; revising a provision relating to powers of the Construction Industry Licensing Board with respect to actions for recovery from the fund, to conform; amending s. 489.143, F.S.; revising provisions relating to payment from the fund; 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 relating to public utilities; clarifying an exemption relating to the sale or installation of certain finished products, materials, or articles of merchandise; 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; 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. 489.507, F.S.; revising membership of the Electrical Contractors' Licensing Board; amending s. 489.509, F.S.; changing the due date for the biennial renewal fee for certificateholders and registrants; transferring a portion of fees paid at the time of application or renewal to the Department of Education to fund certain projects or continuing education programs relating to the building construction industry and providing requirements with respect thereto; providing for appointments to the Building Construction Industry Advisory Council; 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 s. 489.516, F.S.; providing requirements with respect to monitoring; 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. 489.517, F.S.; authorizing certificateholders and registrants to apply continuing education courses earned under other regulatory provisions under certain circumstances; 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. 489.531, F.S.; revising and

providing penalties applicable to violations of electrical and alarm system contracting provisions; reenacting s. 489.533(1)(a) and (2), F.S., relating to disciplinary proceedings; to incorporate the amendment to s. 489.531, F.S., in a reference thereto; amending s. 489.537, F.S., relating to certain alarm system contractor registration; eliminating reference to monitoring, to conform to other provisions of the act; providing an appropriation relating to monitoring; authorizing the department to sell a specified regional service center; providing for deposit and distribution of the proceeds from the sale; amending ss. 489.539 and 553.19, F.S.; providing for adoption of current electrical standards by rule; amending s. 553.06, F.S.; requiring the Board of Building Codes and Standards to adopt alternative standards for testing water treatment units under certain circumstances; amending s. 553.504, F.S.; revising the required dimensions of water closet seats; amending s. 553.63, F.S., relating to trench excavations in excess of a specified depth; deleting a provision requiring contract bids to include certain items; repealing s. 553.64, F.S., relating to certain requirements for contract bids; creating s. 501.214, F.S.; providing requirements relating to home-inspection reports; providing legislative intent; providing definitions; providing exemptions; requiring, prior to inspection, provision of inspector credentials, a caveat, a disclosure of conflicts of interest and certain relationships, and a statement or agreement of scope, limitations, terms, and conditions; requiring a report on the results of the inspection; providing prohibited acts, for which there are civil penalties; amending s. 713.01, F.S., relating to the Construction Lien Law; revising certain definitions to include solid-waste collection and disposal activities; amending s. 713.03, F.S.; including professional geologists within provisions regulating liens for professional services; amending ss. 255.05, 713.05, 713.06, and 713.08, F.S., relating to construction liens, providing for the payment of unpaid finance charges due under a claimant's contract; amending s. 713.135, F.S.; revising provisions with respect to notice of commencement with respect to building permits; providing grounds for disciplinary action for failure to verify a certified copy of the notice of commencement under certain circumstances, for which there are penalties; requiring counties and municipalities to submit an affidavit to the Advisory Council on Intergovernmental Relations relating to the issuance of building permits; amending s. 468.621, F.S., relating to disciplinary proceedings applicable to building code administrators and inspectors, to conform; amending s. 713.20, F.S.; providing conditions and forms for the execution of a waiver or release of a lien; requiring local governments to provide reciprocity for local construction journeyman requirements; providing a repeal of journeyman reciprocity requirements; creating the Local Construction Personnel Study Commission to report to the Legislature about personnel competency; amending ss. 484.041, 484.042, 484.0445, 484.045, 484.047, 484.0501, 484.051, 484.053, and 484.056, F.S.; transferring the regulation of hearing aid specialists to the Agency for Health Care Administration; increasing criminal penalties; increasing administrative fines; amending s. 489.105, F.S.; revising definitions relating to the various types of pool/spa contractors; providing that licensure is required to install, construct, maintain, or replace equipment permanently attached to and associated with a pool or spa for the purpose of water treatment or cleaning of the pool or spa; providing that licensure is not required for use thereof for such a purpose unless such usage involves construction, modification, or replacement of such equipment; providing that water treatment that does not require such equipment does not require licensure; providing that a license is not required for the cleaning of the pool or spa in any way that does not affect the structural integrity of the pool or spa or its associated equipment; providing effective dates.

By the Committee on Judiciary and Senators Harden, Brown-Waite, Horne, Bronson, Dudley, Ostalkiewicz and Grant—

CS for SB 1262—A bill to be entitled An act relating to informed consent; creating s. 390.003, F.S.; creating the "Woman's Right-To-Know Act"; requiring the voluntary and informed consent of a woman upon whom a termination of pregnancy is to be performed or induced; providing requirements of informed consent; providing that a physician who is to perform the procedure, or the physician's designee, provide certain information by a prescribed deadline; requiring written certification that the pregnant woman has been provided with certain information; providing requirements relating to an emergency procedure; providing for disciplinary actions; limiting the civil liability of a physician who complies with this section; providing an effective date.

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

CS for SB 1318—A bill to be entitled An act relating to plumbing code requirements; creating s. 489.1136, F.S.; providing for an endorsement on a plumbing contractor license for plumbing contractors who install, improve, repair, or maintain conduits used to transport gaseous or partly gaseous substances for medical purposes; requiring the Construction Industry Licensing Board to issue such endorsement; providing fees; providing requirements for receiving the endorsement by the board; requiring a licensed contractor to ascertain compliance by his or her workforce; providing penalties; defining the term "medical" for purposes of medical gas certification; providing an effective date.

By the Committee on Judiciary and Senators Grant and Wexler—

CS for SB 1952—A bill to be entitled An act relating to sovereign immunity; amending s. 768.28, F.S.; providing for voluntary settlements in excess of liability limits under certain circumstances; exempting certain awards from liability limits; deleting provisions relative to presentation of claims to the Department of Insurance; revising a time limit for presentation of claims; eliminating denial of a claim as a condition precedent to maintaining an action; revising the information to be provided to the appropriate agency prior to institution of action in a claim against the state; revising provision relative to incomplete or inaccurate disclosure of such information; removing provisions which specify that failure to make final disposition of a claim within a certain time limit constitutes final denial; eliminating required service of process upon the Department of Insurance; providing an effective date.

By the Committee on Natural Resources and Senator Burt—

CS for SB 2000—A bill to be entitled An act relating to coastal construction; amending s. 161.053, F.S.; authorizing the Department of Environmental Protection to exempt construction proposed for location seaward of a coastal construction control line and landward of existing armoring from certain siting and design criteria under limited conditions; delaying the date for establishing interim lines of jurisdiction for coastal construction control lines; authorizing the department to grant areawide permits under certain circumstances; authorizing the department to grant general permits for specified projects; prohibiting use of general permits for multi-family habitable structures; authorizing use of general permits for single-family habitable structures under certain conditions; providing procedures to be followed in obtaining general permits; providing a penalty; requiring applicants for general permits to provide certain notice of projects; authorizing the department to revoke or suspend the use of general or areawide permits in certain situations; granting access to the permitted project or activity; creating s. 161.0531, F.S.; authorizing the department to enter into development agreements under certain circumstances; defining "development agreement" for purposes of this section; specifying items to be included in each development agreement; requiring periodic inspections of land subject to a development agreement; requiring recording of development agreements; specifying that development agreements constitute final agency action; prohibiting property owners who have been refused a development agreement from challenging such refusal; providing an effective date.

By the Committees on Health Care and Criminal Justice and Senator Kurth—

CS for CS for SB 2004—A bill to be entitled An act relating to juvenile sexual offenders; amending s. 39.0571, F.S.; requiring the Department of Juvenile Justice in consultation with the Agency for Health Care Administration to establish a certification process for juvenile sexual offender commitment programs; prohibiting uncertified programs from holding themselves out as juvenile sex offender day treatment or residential treatment programs as of January 1, 1998; amending s. 415.504, F.S., relating to the central abuse registry and tracking system; providing for the Department of Health and Rehabilitative Services to make and receive reports involving known or suspected juvenile sexual offenders; requiring written report of allegations to the county sheriff's office within 48 hours; providing for coordination of investigative functions with respect to the report by the law enforcement agency; amend-

ing s. 490.012, F.S., relating to violations, penalties, and injunction; defining the offense of unlicensed practice of "juvenile sexual offender therapy" for compensation, and providing penalties therefor; providing for injunctive relief; creating s. 490.0145, F.S.; providing that only persons licensed under ch. 490, F.S., relating to psychological services, or ch. 491, F.S., relating to clinical, counseling, and psychotherapy services, may hold themselves out as juvenile sexual offender therapists; prescribing qualifications for licensure under ch. 490, F.S., as a juvenile sexual offender therapist; providing for adoption of rules by the Board of Psychology relating to such qualifications; amending s. 491.003, F.S.; redefining the terms "practice of clinical social work," "practice of marriage and family therapy," and "practice of mental health counseling" with respect to ch. 491, F.S., to include juvenile sexual offender therapy; reenacting s. 491.012(1)(i)-(k), F.S., relating to violations and penalties, and s. 491.014(7), F.S., relating to exemptions, to incorporate such amendment in references; amending s. 491.012, F.S.; defining the offenses of unlawful use of the term "juvenile sexual offender therapist," and providing penalties therefor; defining the offense of unlicensed practice of "juvenile sexual offender therapy" for compensation, and providing penalties therefor; defining the offense of unlawful description of services using the term, "juvenile sexual offender therapy," or a derivative thereof, and providing penalties therefor; providing for injunctive relief with respect to such offenses; creating s. 491.0144, F.S.; prescribing qualifications for licensure of a juvenile sexual offender therapist under ch. 491, F.S.; providing for adoption of rules with respect to such licensure by the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling; creating s. 943.17291, F.S.; requiring the Criminal Justice Standards and Training Commission to establish standards for instruction of law enforcement officers in juvenile sexual offender investigations; prescribing minimum requirements for basic-skills courses in such investigations; creating s. 943.17295, F.S.; prescribing minimum requirements for continued employment training relating to such investigations; creating s. 39.0251, F.S.; requiring the department to establish the Sexual Abuse Intervention Network, providing for collection of funds; delineating procedures for grant awards; providing an effective date.

By the Committee on Higher Education and Senator Kirkpatrick—

CS for SB 2348—A bill to be entitled An act relating to the State University System; amending s. 240.209, F.S., relating to duties of the Board of Regents; revising requirements for the board with respect to fees and procurement and construction contracts; authorizing the Board of Regents to acquire and dispose of real property; providing procedures for appraisals and property acquisition; amending s. 240.235, F.S.; authorizing tuition exemptions for certain students who have received state-supported foster care; amending s. 240.271, F.S.; revising provisions relating to the allocation of funds; requiring data to be submitted; providing an effective date.

By the Committee on Natural Resources and Senator Latvala—

CS for SB 2552—A bill to be entitled An act relating to water management; amending s. 373.019, F.S.; defining the term "independent scientific peer review"; amending s. 373.042, F.S.; requiring water management districts to revise standards for minimum flows and levels of water in specific areas; requiring an independent scientific peer review of data when there is a dispute in an administrative proceeding; amending s. 373.116, F.S.; providing for notice of permit applications; amending s. 373.1963, F.S.; requiring the Southwest Florida Water Management District to provide assistance to the West Coast Regional Water Supply Authority; providing for the district to levy an ad valorem tax upon request of the authority; requiring annual financial audits; creating s. 373.2231, F.S.; establishing mitigation measures for an applicant who cannot meet permitting criteria; providing an effective date.

By the Committee on Judiciary and Senators Williams, Grant and Forman—

CS for SB 2576—A bill to be entitled An act relating to disposition of unclaimed property; amending s. 717.101, F.S.; revising definitions; defining "aggregate," "credit balance," "lawful charges," and "public corporation"; amending ss. 717.105, 717.106, 717.1101, 717.112, 717.116,

F.S.; decreasing the time limit for presumption of abandonment with respect to money orders or similar written instruments, checks, drafts, and similar instruments issued or certified by banking and financial organizations, bank deposits and funds in financial organizations, stock and other intangible interests in business associations and interest thereon, intangible property held by fiduciaries, and contents of safe deposit boxes and other safekeeping repositories; revising applicability provisions with respect to stock and other intangible interests in business associations; repealing s. 717.114, F.S.; repealing provisions relating to gift certificates and credit memos presumed abandoned; amending s. 717.108, F.S.; revising language with respect to deposits held by utilities; amending s. 717.117, F.S.; revising provisions with respect to reports of abandoned property; providing that reporting requirements do not apply to certain unclaimed patronage funds; amending s. 717.118, F.S.; revising provisions with respect to notice and publication of lists of abandoned property; amending s. 717.119, F.S.; revising provisions with respect to payment or delivery of abandoned property; amending s. 717.122, F.S., relating to public sale of abandoned property; providing that the Department of Banking and Finance may authorize specified agents or brokers to deduct certain fees; providing for reimbursement of such fees; amending s. 717.123, F.S.; increasing the amount retained by the department for payment of claims; amending s. 717.124, F.S.; providing that a claim for a cashier's check or stock certificate may require an indemnity bond; providing that the department may require certain affidavits for claims of \$250 or less; creating s. 717.1241, F.S.; providing procedure for remittance of abandoned property when conflicting claims have been filed; creating s. 717.1242, F.S.; providing legislative intent with respect to jurisdiction of the circuit court and the department; requiring the filing of specified claims; providing for payment of attorney's fees to the department in specified proceedings; creating s. 717.1243, F.S.; providing for transfer of unclaimed property by operation of law under certain circumstances; amending s. 717.127, F.S.; revising provisions relating to election to take payment or delivery of unclaimed property; amending s. 717.1311, F.S.; revising provisions relating to retention of records; amending s. 717.132, F.S.; revising provisions with respect to cease and desist orders issued by the department; amending s. 717.134, F.S.; revising penalties and interest for failure to render required reports and for willful refusal to pay or deliver abandoned property to the department as required; allowing the department to waive penalties under certain circumstances; amending s. 717.135, F.S.; revising provisions with respect to agreements to locate reported property; creating s. 717.1355, F.S.; exempting theme park and entertainment complex tickets from the provisions of ch. 717, F.S.; amending s. 216.331, F.S.; correcting a cross-reference; providing for review of the Abandoned Property Program of the Department of Banking and Finance; providing an effective date.

By the Committee on Banking and Insurance; and Senator Williams—

CS for SB 2660—A bill to be entitled An act relating to church benefit plans; creating s. 624.4031, F.S.; providing a definition; authorizing a nonprofit corporation formed for a religious purpose either directly or through a church benefits board to provide for pensions and benefits; providing for collecting contributions; providing for documents and agreements; providing for indemnification; providing for protection of benefits; providing an exception; providing for prohibition of assignment of benefits under certain circumstances; providing that the Insurance Code does not apply to certain church benefits boards; providing an effective date.

By the Committee on Banking and Insurance; and Senators Grant, Hargrett, Williams, Casas, Beard, Silver, Horne, Holzendorf, Kirkpatrick, Bronson, Myers, Thomas, Jennings, Childers, Kurth, Johnson, Brown-Waite, Latvala, Ostalkiewicz, Sullivan, Forman, McKay, Rossin and Gutman—

CS for SB 2698—A bill to be entitled An act relating to cancer research and teaching institutes; creating s. 627.6614, F.S.; providing legislative findings; providing definitions; requiring managed-care organizations to include the institutes in health plans as approved providers for the diagnosis and treatment of cancer; providing for setting rates of compensation for inpatient and outpatient services; requiring a referral prior to admittance to an institute; providing penalties; providing an

effective date.

By the Committees on Higher Education and Education and Senator Kirkpatrick—

CS for CS for SB 2844—A bill to be entitled An act relating to student preparedness for postsecondary education; amending s. 229.551, F.S.; providing for upper-division and lower-division coursework dual classification; amending s. 229.595, F.S.; requiring the inclusion of student postsecondary preparedness information in manuals and handbooks; amending s. 229.601, F.S.; providing for recommended high school coursework information; amending s. 239.109, F.S.; requiring that vocational education plans include the promotion of sequential programs of study; deleting obsolete provisions; specifying that adult education instruction may be offered by community colleges and school districts without being incorporated into interinstitutional articulation agreements if offered in support of workforce education; amending s. 239.117, F.S.; clarifying funding of the continuous enrollment of students in college-preparatory instruction; amending s. 239.301, F.S.; deleting conflicting provisions; clarifying funding of the continuous enrollment of students in college-preparatory instruction; amending s. 240.107, F.S.; revising provisions relating to the college-level communication and computation skills examination; providing exemptions from a required test; amending s. 240.1161, F.S., relating to interinstitutional articulation agreements; requiring implementation mechanisms for reducing the incidence of postsecondary remediation; requiring an assessment of activities and the presentation of outcomes; amending s. 240.117, F.S.; deleting obsolete provisions; clarifying examination requirements; clarifying funding of the continuous enrollment of students in college-preparatory instruction; clarifying provisions regarding the offering of college-preparatory instruction; amending s. 240.301, F.S.; providing conforming provisions pertaining to adult education; amending s. 240.311, F.S., relating to duties of the State Board of Community Colleges; requiring the review of collaborative efforts and the submission of a progress report; amending s. 240.321, F.S.; expanding admission requirements to other associate degree programs; limiting enrollment in college-level courses for certain students; amending s. 240.35, F.S.; permitting the assessment of additional funds for advisement purposes; creating s. 240.4031, F.S., relating to the Florida Academic Achievement Incentive Program; providing criteria for the receipt of incentive funds by students and institutions for academic achievement, collaboration, and partnership; amending ss. 240.404, 240.412, 240.437, F.S., relating to state financial aid and the Jose Marti Scholarship Challenge Grant Program; deleting requirements that a student participate in a testing program and comply with the Selective Service System registration requirements; requiring the Postsecondary Education Planning Commission and the Florida Commission on Education Reform and Accountability to conduct a study and submit a report; providing an effective date.

By the Committee on Health Care and Senator Brown-Waite—

CS for SB 2886—A bill to be entitled An act relating to health care; creating the Legislative Study Commission on Medicaid Reform; providing for membership and duties; creating s. 154.501, F.S.; creating the "Primary Care Challenge Grant Act"; creating s. 154.502, F.S.; providing legislative findings and intent; creating s. 154.503, F.S.; providing for the creation and administration of the Primary Care Challenge Grant Program; creating s. 154.504, F.S.; providing for eligibility and benefits; creating s. 154.505, F.S.; providing an application process and requirements; creating s. 154.506, F.S.; providing for primary care challenge grant awards; providing an effective date.

By the Committee on Community Affairs and Senator Silver—

CS for SJR 2902—A joint resolution proposing amendments to Sections 3 and 4 of Article VII and the creation of Section 22 of Article XII of the State Constitution relating to local option ad valorem tax exemption for, and assessment of, certain historic properties.

By the Committee on Community Affairs and Senator Silver—

CS for SB 2904—A bill to be entitled An act relating to ad valorem taxation; amending s. 193.011, F.S.; including historic preservation ordinances within certain factors to consider in determining highest and best use of property for purposes of deriving just valuation; creating s. 193.503, F.S.; providing for classification and assessment of eligible property as historic property used for commercial or certain nonprofit purposes, for purposes of taxes levied by a county or municipality which adopts an ordinance authorizing such assessment; providing procedures and requirements; specifying the factors applicable to such classification; providing for appeals to the value adjustment board; providing that the owner is liable for deferred tax liability for prior years in which such classification and assessment was granted if the property fails to meet qualifying criteria; amending ss. 194.011, 194.032, 194.037, 195.073, and 195.096, F.S., relating to procedures of the value adjustment boards and classification of real property, to conform; creating s. 196.1961, F.S.; providing procedures and requirements for counties and municipalities to adopt an ordinance granting partial exemption for certain historic property used for commercial or nonprofit purposes; specifying qualifications for such exemption; providing an effective date and contingent effective dates.

By the Committees on Governmental Reform and Oversight; Higher Education; and Senator Kirkpatrick—

CS for CS for SB 2922—A bill to be entitled An act relating to workforce development; creating the Workforce Florida Act; establishing principles; designating the Jobs and Education Partnership of Enterprise Florida as the Human Resource Investment Council; providing a definition; assigning responsibilities; requiring a chartering process for designating jobs and education regional boards; providing prerequisites to receiving a charter; establishing program categories for workforce development initiatives; requiring standards and measures; requiring measures and standards for the workforce development system; requiring jobs and education boards for workforce development; requiring appointments and a charter; providing membership; providing duties and responsibilities; prohibiting certain activities and transfer of certain powers; requiring one-stop career centers; requiring compatibility of agency data bases; requiring access to services; requiring the Department of Management Services to oversee the development of a network of centers; requiring certain agencies and boards to assist in the network; requiring a common design for certain client services; requiring the Department of Labor and Employment Security and the Department of Health and Rehabilitative Services to design and adopt a map of service regions; limiting the number of one-stop career centers operated by certain agencies; requiring incentive funding; designating federal fund sources; providing for alternative employment assistance for dislocated workers; requiring performance goals; creating an incentive program and pilot projects for apprenticeship programs, work-based learning programs, business partnerships, state colleges of education, and the Department of Military Affairs; requiring funds to be carried forward; creating the "Untried Worker Placement and Employment Incentive Act"; limiting expenditures; authorizing disqualification of certain employers; authorizing incentives; providing for repeal; amending s. 216.136, F.S.; requiring the Occupational Forecasting Conference to estimate need for high-skill, high-wages jobs; amending s. 229.8075, F.S.; authorizing the Florida Education and Training Placement Information Program to collect data and conduct studies for the workforce development system; transferring to the council the duties of boards and commissions that are eliminated by this act, effective July 1, 1997, including the Advisory Board on Constructive Youth Programs, the Education Success Incentive Council, and the Quick Response Advisory Committee; amending s. 446.20, F.S.; deleting references to the State Job Training Coordinating Council; assigning the duties of that council to the Jobs and Education Partnership; repealing s. 446.31, F.S., relating to the Florida Human Resource Development Commission; providing for applicability of the act; providing for the reconstitution of regional workforce development boards; requiring the Jobs and Education Partnership to review certain charters; providing for severability; providing an effective date.

By the Committee on Community Affairs and Senator Harris—

CS for SB 2968—A bill to be entitled An act relating to the municipal public service tax; providing legislative intent; amending s. 166.231, F.S.; providing that specific governmental bodies are exempt from the tax; providing that religious institutions possessing sales tax exemption certificates are exempt from the tax on telecommunication services; requiring purchasers claiming exemptions to certify that they are qualified therefor; creating s. 166.233, F.S.; providing requirements for levy of the tax; specifying effective dates; providing duties of the Department of Revenue; requiring municipalities to furnish certain information to the department and other persons pertaining to the levy of the tax; providing for fees; providing limitations on the responsibilities of sellers if information is not furnished as required; providing procedures when more than one municipality claims an address; creating s. 166.234, F.S.; providing procedures for audits by municipalities of sellers of services; prescribing records retention requirements for sellers; providing time limitations on assessments of taxes and penalties and applications for refunds or credits; providing for offsets of overpayments against underpayments and for refunds; providing for assessments of penalties and interest; providing requirements with respect to a determination by a municipality of amounts of tax, penalty, and interest due; providing protest procedures and judicial remedies; providing for settlement or compromise of a seller's liability for taxes, interest, or penalty; authorizing municipalities to communicate with each other concerning certain information obtained on audit; providing for interest on public service tax refunds if a law is enacted requiring interest on sales or gross receipts tax refunds; providing rights and duties of municipalities and sellers; providing that public service tax payment and return filing dates shall conform with due dates under chapter 212; amending ss. 212.08 and 364.01, F.S.; correcting references; providing a schedule for application of the requirements of the act; providing an appropriation; providing for severability; providing an effective date.

By the Committee on Natural Resources and Senator Rossin—

CS for SB 3098—A bill to be entitled An act relating to the Florida Inland Navigation District; amending s. 374.976, F.S.; authorizing beach renourishment due to adverse impacts of navigation inlets; providing an exception to matching-funds requirements for projects approved in a county recovering from a state of emergency; providing an exception from funding limitations for certain projects in ports which provide regional benefits; creating part II of chapter 374, F.S.; amending, codifying, and containing the complete charter for the district; creating s. 374.980, F.S.; providing legislative intent; creating s. 374.981, F.S.; providing a short title; creating s. 374.982, F.S.; providing for the creation of the district; creating s. 374.983, F.S.; providing for a governing body; creating s. 374.984, F.S.; providing purpose, powers and duties of the district; creating s. 374.985, F.S.; providing assistance and support to seaports; creating s. 374.986, F.S.; providing taxing authority; creating s. 374.987, F.S., pertaining to financial matters; creating s. 374.988, F.S.; providing for preservation of taxing authority; providing for liberal construction; repealing chapter 12026, Laws of Florida, 1927, chapter 13638, Laws of Florida, 1929, chapter 14723 and 15751, Laws of Florida, 1931, chapters 17019, 17020, and 17021, Laws of Florida, 1935, chapter 19122, Laws of Florida, 1939, chapters 20430 and 21409, Laws of Florida, 1941, chapter 25026, Laws of Florida, 1949, chapter 27275, Laws of Florida, 1951, and chapters 65-502, 65-900 (except s. 9), 77-495, and 95-259, Laws of Florida; repealing s. 374.976(5), F.S., relating to the Florida Inland Navigation District; providing an effective date.

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 CS for HB 61, CS for HB 207, CS for CS for HB 231, HB 383, HB 425, HB 559, CS for HB 577, CS for HB 631, CS for HB 633, CS for HB 675, CS for HB 861, CS for HB 863, HB 871, CS for HB 913, CS for HB's 917, 1233 and 1405, CS for HB 957, CS for HB 1153, CS for HB 1155, CS for HB 1197, HB 1833, HB 1985, CS for HB 2007, CS for HB 2093, CS for HB 2449, CS for HB 2455, HB 2489, HB 2569; has passed as amended CS for HB 47, CS for HB 129, CS for HB 151, HB 183, CS

for HB 189, CS for HB 211, HB 239, CS for HB 251, CS for HB 385, CS for HB 409, CS for HB 437, CS for HB's 459, 931, 1407 and CS for HB 301, CS for HB 485, CS for HB 489, HB 529, HB 595, HB 625, CS for HB's 807, 1185 and 2423, HB 873, HB 893, HB 1009, HB 1013, HB 1041, HB 1085, CS for HB 1101, HB 1143, HB 1171, CS for HB 1191, HB 1193, HB 1241, HB 1247, CS for HB 1287, CS for HB 1315, HB 1463, CS for HB 1801, HB 1811, HB 1827, CS for HB 1863, CS for HB 2017, CS for HB 2215, HB 2219, HB 2363, CS for HB 2387, CS for HB 2391, HB 2515, CS for HB 2523, HB 2669, HB 2703; has passed by the required Constitutional three-fifths vote of the membership HJR 1421, HB 2653; has passed as amended by the required Constitutional three-fifths vote of the membership HB 1825; has adopted as amended HM 1323, HCR 2665 and requests the concurrence of the Senate.

John B. Phelps, Clerk

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

CS for HB 61—A bill to be entitled An act relating to driver licenses; amending s. 322.26, F.S.; providing for the permanent revocation of the driver license or driving privilege of a person who drives or is in actual physical control of a motor vehicle while under the influence of alcoholic beverages or controlled substances when manslaughter or the death of any person occurs as a result of such operation; providing exceptions; deleting obsolete references; amending s. 322.271, F.S.; providing for the reinstatement of a driver license or driving privilege under certain circumstances; deleting obsolete references; amending s. 322.28, F.S.; clarifying that driver license revocation is effective on the date of conviction; conforming to the act; deleting obsolete references; providing an effective date.

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

By the Committee on Criminal Justice and Representative D. Prewitt and others—

CS for HB 207—A bill to be entitled An act relating to capital felonies; amending s. 921.141, F.S.; revising the aggravating circumstances for capital felony sentencing; providing an aggravating circumstance when the capital felony was committed by a person previously convicted of a felony and placed on felony probation; providing an aggravating circumstance for capital felony sentencing when the capital felon has committed or attempted to commit abuse of an elderly person or disabled adult resulting in great bodily harm, permanent disability, or permanent disfigurement; providing an aggravating circumstance when the victim of the capital felony was particularly vulnerable due to advanced age or disability or because the defendant stood in a position of familial or custodial authority over the victim; revising the mitigating circumstances for capital felony sentencing; requiring consideration of any factors in the defendant's background mitigating against imposition of the death penalty; providing an effective date.

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

By the Committees on Governmental Operations and Juvenile Justice and Representative Arnall—

CS for CS for HB 231—A bill to be entitled An act relating to confidentiality of Restorative Justice Board records and meetings; creating s. 39.0362, F.S.; providing an exemption from public records requirements for certain records of the board; providing an exemption from public meeting requirements for certain meetings of the board; providing for future review and repeal; providing findings of public necessity; providing a contingent effective date.

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

By Representative Ziebarth and others—

HB 383—A bill to be entitled An act relating to Volusia County; providing for the relief of David R. Viers; providing an appropriation to compensate him for injuries and damages sustained; 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 Representative Hill—

HB 425—A bill to be entitled An act relating to violations involving checks; amending s. 832.07, F.S., relating to prima facie evidence of identity with regard to prosecution of bad check charges; removing "race" as a required element of establishing the identity of the person presenting the check; providing an effective date.

—was referred to the Committee on Criminal Justice.

By Representative Valdes and others—

HB 559—A bill to be entitled An act relating to education; amending s. 230.2316, F.S., relating to dropout prevention; requiring assignment of a student to a second chance school if the school district has a second chance school and if specified criteria are met; providing an effective date.

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

By the Committee on Educational Facilities, Select and Representative Upchurch and others—

CS for HB 577—A bill to be entitled An act relating to educational facilities; amending s. 235.435, F.S.; authorizing district school boards to make offsetting increases and decreases in allocated funds from the Public Education Capital Outlay and Debt Service Trust Fund for various purposes; providing an effective date.

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

By the Committee on Claims and Representative Bradley—

CS for HB 631—A bill to be entitled An act relating to the City of St. Petersburg; providing for the relief of Angela L. Brown; authorizing and directing the City of St. Petersburg to compensate her for severe personal injuries sustained as a result of the negligence of the City of St. Petersburg; 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 Committees on Judiciary; Ethics and Elections; and Representative Upchurch and others—

CS for HB 633—A bill to be entitled An act relating to false or anonymous political statements; amending s. 104.271, F.S.; amending the prohibition against candidates charging other candidates with a violation of the election code and reducing the applicable penalty; expanding coverage of the prohibition against false statements about opposing candidates, to include applicability to political parties, political committees, committees of continuous existence, and persons associated therewith, and to cover statements about any candidate, not just an opposing candidate; increasing the civil penalty for violation thereof and providing requirements with respect to determining the amount thereof; providing for vicarious and joint and several liability; providing for judicial review in accordance with the Administrative Procedure Act;

amending s. 106.071, F.S.; providing exemptions from the disclaimer requirement applicable to independent expenditures; amending s. 106.143, F.S., relating to political advertisements, to conform; revising provisions relating to the sponsoring of and paying for, or providing in kind of, political advertisements; providing an effective date.

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

By the Committee on Claims and Representative Cosgrove and others—

CS for HB 675—A bill to be entitled An act relating to Monroe County; providing for the relief of Deborah Martin; providing an appropriation to compensate her for injuries and damages sustained as a result of the negligence of the District Board of Trustees of the Florida Keys Community College; 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 Claims and Representative Crady—

CS for HB 861—A bill to be entitled An act relating to Dade County; providing for the relief of Whitney Marx, a minor, by and through her parents and legal guardians, Ronald Marx and Rhonda Marx; 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 Claims and Representative Feren—

CS for HB 863—A bill to be entitled An act relating to Broward County; providing for the relief of Betty Dawson, mother and next friend of Randy Warren; providing an appropriation to compensate Randy Warren for injuries and damages sustained as a result of the negligence of the City of Pembroke Pines; 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 Representative Heyman—

HB 871—A bill to be entitled An act relating to the City of Miami; providing for the relief of Gladys Frias; providing an appropriation to compensate her for injuries and damages sustained due to the negligence of the City of Miami; 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 Criminal Justice and Representative Trovillion and others—

CS for HB 913—A bill to be entitled An act relating to driver licenses; amending s. 322.212, F.S.; providing that it is unlawful for any person to knowingly have in his or her possession any instrument in the similitude of a driver license issued by the Department of Highway Safety and Motor Vehicles or of any other state or jurisdiction which issues licenses recognized in this state for the operation of a motor vehicle, or any identification card issued by the department or of another state or jurisdiction, unless possession by such person has been duly authorized by

the department; providing penalties; amending s. 921.0012, F.S., to conform; providing an effective date.

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

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

CS for HB's 917, 1233 and 1405—A bill to be entitled An act relating to specified property crimes; amending s. 810.011, F.S., to clarify the definition of "dwelling"; amending s. 810.09, F.S.; revising language and adding the offense of trespass of the unenclosed curtilage of a dwelling to the crime of trespass on property other than a structure or conveyance, for which criminal penalties are provided; providing a definition of "unenclosed curtilage" for purposes of the trespass offense; amending s. 812.014, F.S.; adding a grand theft offense with respect to stolen property of specified value taken from a dwelling or unenclosed curtilage of a dwelling, and providing penalties therefor; enhancing certain penalties for petit theft; amending s. 921.0012, F.S., relating to the sentencing guidelines offense severity ranking chart, to rank offenses enhanced under s. 812.014, F.S.; providing for incorporation of references to s. 810.09, F.S., as amended; providing an effective date.

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

By the Committee on Claims and Representative Tobin—

CS for HB 957—A bill to be entitled An act relating to the South Broward Hospital District; providing for the relief of Tina Marie Kirkham, a minor; directing the South Broward Hospital District, d.b.a. Memorial Hospital, to appropriate funds to be paid to Susan Ryan and Carroll R. Kirkham, as personal representatives of the estate of Diane Kirkham, for the benefit of Tina Marie Kirkham, a minor, to compensate her for the death of her mother due to the negligence of Memorial Hospital; 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 Claims and Representative Trammell—

CS for HB 1153—A bill to be entitled An act relating to Metropolitan Dade County; providing for the relief of Michelle Tierney, and John Tierney and Jade Tierney, minor children of Michelle Tierney; providing an appropriation to compensate Michelle Tierney for catastrophic personal injuries, and John Tierney and Jade Tierney, minor children of Michelle Tierney, for injuries to their mother, suffered as a result of the negligence of Metropolitan Dade County; providing an effective date.

Proof of publication of the required notice was attached.

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

By the Committee on Claims and Representative Logan—

CS for HB 1155—A bill to be entitled An act relating to the North Broward Hospital District; providing for the relief of Jaharvis Jamal Frazier, a minor, by and through his mother and next friend, Lillie Willis, as court-appointed plenary guardian; requiring the district to compensate Jaharvis Jamal Frazier for injuries he sustained as a result of the negligence of North Broward Hospital District, d/b/a North Broward Medical Center; 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 Criminal Justice and Representative Merchant and others—

CS for HB 1197—A bill to be entitled An act relating to cellular telephone fraud; amending s. 817.4821, F.S.; defining the offense of knowingly possessing cloning paraphernalia with intent to use it to create cloned cellular telephones; providing felony penalties; deleting "unlawfully" element of cellular telephone counterfeiting offenses; providing an exception; amending s. 921.0012, F.S., to list the offense on the sentencing guidelines offense severity ranking chart; providing an effective date.

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

By Representative Harris—

HB 1833—A bill to be entitled An act relating to commercial production of sturgeon; creating s. 370.31, F.S.; creating the Sturgeon Production Working Group; providing membership, procedures, and responsibilities; requiring a state sturgeon aquaculture program and plan; providing an effective date.

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

By Representative Villalobos—

HB 1985—A bill to be entitled An act relating to the North Broward Hospital District; providing for the relief of Eva Murray; providing an appropriation to compensate her for injuries and damages sustained as a result of the negligence of the North Broward Hospital District, d.b.a. Broward General Medical Center; 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 Claims and Representative Sublette—

CS for HB 2007—A bill to be entitled An act relating to Metropolitan Dade County; providing for the relief of Sandra Joglar, individually, and as legal guardian for Erik Joglar, incompetent; providing an appropriation as compensation for injuries and damages sustained as the result of a motor vehicle accident with a Metropolitan Dade County police vehicle; 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 Claims and Representative Trammell—

CS for HB 2093—A bill to be entitled An act for the relief of Christine Reyes and Raquel Reyes, minors, by and through their father and legal guardian, Norberto Reyes, and Norberto Reyes, individually; providing an appropriation as compensation for injuries sustained as a result of an automobile accident; providing for a funding method through the Department of Transportation for the future needs of Christine Reyes; providing a reversion clause; providing an effective date.

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

By the Committee on Education and Representative Merchant—

CS for HB 2449—A bill to be entitled An act relating to education; amending s. 228.041, F.S.; revising definitions of the terms "instructional personnel" and "administrative personnel"; providing definitions

of the terms "educational support employees" and "managers"; amending s. 236.685, F.S., relating to educational funding accountability; revising categories of school district employees; providing requirements of the school public accountability report; revising provisions relating to administrative and instructional expenditures; revising annual reporting requirements; providing an effective date.

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

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

CS for HB 2455—A bill to be entitled An act relating to military affairs; creating the "Soldiers and Airmen Relief Act"; 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. 250.5202, F.S.; providing for the stay of eviction or distress actions during a period of 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 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 an effective date.

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

By Representative Constantine—

HB 2489—A bill to be entitled An act relating to crime prevention assistance; repealing ss. 426.001, 426.002, 426.003, 426.004, 426.005, 426.006, 426.007, 426.008, and 426.009, F.S., relating to crime prevention assistance; providing an effective date.

—was referred to the Committee on Criminal Justice.

By Representative Horan—

HB 2569—A bill to be entitled An act relating to state lands; naming the Windley Key Fossil Reef State Geological Site Environmental Education/Interpretive Center as the "Alison Fahrer Environmental Education/Interpretive Center"; providing for the erection of appropriate markers; providing an effective date.

—was referred to the Committee on Natural Resources.

By the Committee on Judiciary and Representative Gay and others—

CS for HB 47—A bill to be entitled An act relating to jurors and grand jurors; specifying additional contents of a summons for jury service; amending s. 918.12, F.S., relating to tampering with jurors; revising language; describing and providing penalties for new criminal offenses of willful and malicious harassment of or retaliation against a grand or petit juror; reenacting ss. 772.102(1)(a) and 895.02(1)(a), F.S., relating to the definition of "criminal activity" with respect to civil remedies for criminal practices and the definition of "racketeering activity" with respect to racketeering and illegal debt offenses, respectively, to incorporate said amendment in a reference, amending s. 921.0012, F.S., to list the new offenses in the sentencing guidelines offense severity ranking chart; providing an effective date

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

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

CS for HB 129—A bill to be entitled An act relating to crimes against jurors; amending s. 918.12, F.S., relating to tampering with jurors; revising language; describing and providing penalties for new criminal offenses of willful and malicious harassment of or retaliation against a grand or petit juror; reenacting ss. 772.102(1)(a) and 895.02(1)(a), F.S.,

relating to the definition of "criminal activity" with respect to civil remedies for criminal practices and the definition of "racketeering activity" with respect to racketeering and illegal debt offenses, respectively, to incorporate said amendment in a reference; amending s. 921.0012, F.S., to list the new offenses in the sentencing guidelines offense severity ranking chart; providing an effective date.

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

By the Committee on Judiciary and Representative Edwards and others—

CS for HB 151—A bill to be entitled An act relating to copyrights; creating s. 501.93, F.S., relating to copyright owners and performing rights societies; prohibiting a performing rights society from contracting with the proprietor of a business for the payment of royalties unless certain conditions and requirements are met; providing definitions; prohibiting certain actions by a performing rights society; specifying requirements for contracts for payment of royalties; requiring a performing rights society to provide a verification service; providing civil remedies; providing for application; providing an effective date.

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

By Representative Miller—

HB 183—A bill to be entitled An act relating to public records; creating s. 315.18, 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 Commerce and Economic Opportunities; Governmental Reform and Oversight; and Rules and Calendar.

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

CS for HB 189—A bill to be entitled An act relating to abuse, neglect, and exploitation; amending s. 825.101, F.S.; revising definitions relating to abuse, neglect, and exploitation of an elderly person or disabled adult; amending s. 825.102, F.S.; restructuring and clarifying the offenses of "abuse of an elderly person or disabled adult" and "neglect of an elderly person or disabled adult"; creating the offense of "aggravated abuse of an elderly person or disabled adult"; providing definitions; providing a penalty for aggravated abuse of an elderly person or disabled adult; reenacting s. 775.15(2)(g), F.S., relating to time limitations, to incorporate the amendment to s. 825.102, F.S., in a reference; creating s. 825.1025, F.S.; creating the offenses of "lewd or lascivious battery upon an elderly person or disabled adult," "lewd or lascivious molestation of an elderly person or disabled adult," and "lewd or lascivious exhibition in the presence of an elderly person or disabled adult"; providing definitions; providing penalties; amending s. 825.103, F.S.; revising provisions relating to exploitation of an elderly person or disabled adult; providing a definition; revising penalties; amending s. 825.105, F.S.; revising provisions relating to certain good faith assistance to an elderly person or disabled adult; amending s. 827.01, F.S.; revising definitions relating to child abuse and neglect; amending s. 827.03, F.S.; restructuring and clarifying the offenses of "child abuse," "aggravated child abuse," and "neglect of a child"; providing definitions; increasing penalties; reenacting ss. 415.5018(4)(b), 415.505(1)(g), 787.01(3)(a), and 787.02(3)(a), F.S., relating to district authority, child protective investigations, kidnapping, and false imprisonment, to incorporate the amendment to s. 827.03, F.S., in references; amending s. 827.04, F.S.; deleting provisions relating to child abuse and neglect; clarifying the offense of contributing to the delinquency or dependency of a child; amending s. 782.07, F.S.; defining and providing penalties for the offenses of "aggravated manslaughter of an elderly person or disabled adult" and "aggravated manslaughter of a child"; amending s. 921.0012, F.S., the sentencing guide-

lines offense severity ranking chart; ranking lewd or lascivious exhibition in presence of elderly person or disabled adult in level 5; ranking abuse or neglect of an elderly person, disabled adult, or child and lewd or lascivious molestation of an elderly person or disabled adult in level 6; ranking neglect of an elderly person, disabled adult, or child that results in great bodily harm and lewd or lascivious battery upon an elderly person or disabled adult in level 7; ranking aggravated abuse of an elderly person, disabled adult, or child in level 8; ranking aggravated manslaughter of an elderly person, disabled adult, or child in level 9; making technical corrections; amending s. 775.084, F.S.; expanding offenses subject to an enhanced sentence as a habitual violent felony offender to include aggravated abuse of an elderly person or disabled adult, aggravated manslaughter of an elderly person or disabled adult, and aggravated manslaughter of a child; expanding offenses subject to an enhanced sentence as a violent career criminal to include aggravated abuse of an elderly person or disabled adult; amending s. 775.087, F.S.; providing penalties for aggravated abuse of an elderly person or disabled adult involving a weapon; amending s. 775.0877, F.S.; providing penalties for criminal transmission of HIV involving abuse or aggravated abuse of an elderly person or disabled adult; reenacting ss. 384.29(1)(c) and (3), and 948.01(14), F.S., relating to confidentiality and criminal quarantine community control, to incorporate the amendment to s. 775.0877, F.S., in references; amending s. 782.04, F.S.; providing penalties for murder involving aggravated abuse of an elderly person or disabled adult; reenacting s. 943.325(1)(a), F.S., relating to DNA blood specimen testing, to incorporate the amendment to s. 782.04, F.S., in a reference; amending ss. 39.039, 435.03, 435.04, 787.04, 901.15, 907.041, 914.16, 921.187, 943.051, and 960.003, F.S., to conform to the act and correct cross references; amending s. 744.309, F.S.; providing that certain persons are disqualified from being appointed as a guardian; providing an effective date.

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

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

CS for HB 211—A bill to be entitled An act relating to criminal appeals and collateral review of criminal proceedings; creating the “Criminal Appeal Reform Act of 1996”; directing the retitling of chapter 924, relating to appeals, as “Criminal Appeals and Collateral Review”; amending s. 924.05, F.S.; making only direct appeals under chapter 924 a matter of right; creating s. 924.051, F.S.; providing legislative intent and definitions; providing guidelines and terms and conditions of appeals and collateral review in criminal cases; limiting direct appeals to allegations of prejudicial error; limiting appeals after a defendant pleads guilty or nolo contendere; prohibiting collateral relief on grounds that were or could have been raised at trial and, if properly preserved, on direct appeal; placing a time limitation on filing for collateral relief, with exceptions; placing the burden of demonstrating prejudicial error on the party challenging a ruling of a trial court; prohibiting the use of public funds, resources, or employees in appellate or collateral proceedings unless it is constitutionally or statutorily mandated; amending s. 924.06, F.S.; revising criteria for appeal by defendant; limiting the right to appeal of defendants who plead guilty or nolo contendere; creating s. 924.066, F.S.; limiting applications for collateral relief and providing that there is no right to a court-appointed lawyer in noncapital collateral proceedings; amending s. 924.07, F.S., relating to the state’s right of appeal, to clarify language; amending s. 924.37, F.S.; providing that a cross-appeal by the state is not jurisdictional; providing for appellate court decision or an issue cross-appealed by the state, under specified circumstances; removing a requirement that an appellate court decide issues appealed by the state; providing an effective date.

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

By Representative Bradley and others—

HB 239—A bill to be entitled An act relating to education; creating s. 232.2451, F.S., relating to student readiness for postsecondary education and the workplace; providing legislative intent; providing for end-of-high-school destinations; providing for student progression toward a chosen destination; providing Department of Education duties; providing course requirements; providing school personnel duties; amending

s. 232.2462, F.S.; providing for conversion of college credit hours earned through dual enrollment and early admission programs to high school credit; providing an effective date.

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

By the Committee on Commerce and Representative Kelly and others—

CS for HB 251—A bill to be entitled An act relating to the Unemployment Compensation Law; amending s. 443.036, F.S.; redefining the term “employment” to include language with respect to employees who are shared by two or more employers; providing an effective date.

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

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

CS for HB 385—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. 27.702, F.S.; deleting provisions limiting capital collateral representation to indigent persons; providing requirements for the capital collateral representative with respect to filing notices and securing files; authorizing the court to appoint or permit counsel other than the capital collateral representative to appear as counsel of record; amending s. 27.703, F.S.; providing for substitute counsel to be paid from funds appropriated to the Justice Administrative Commission; 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 a 30-day time limit upon the making of findings in support of a death sentence; making the death sentence subject to automatic review and disposition rendered within 2 years after the filing of a notice of appeal; providing as an aggravating circumstance for sentencing purposes that the capital felony was committed by a person placed on probation; providing as an aggravating circumstance for sentencing purposes that the capital felony was committed by a criminal street gang member; providing as an aggravating circumstance that the victim of the capital felony was particularly vulnerable due to advanced age or disability or because of the defendant’s familial or custodial authority over the victim; requiring consideration of any factors in the defendant’s background mitigating against imposition of the death penalty; amending s. 921.142, F.S.; providing a 30-day time limit upon the making of findings in support of a death sentence; making the death sentence subject to automatic review and disposition rendered within 2 years after the filing of a notice of appeal; creating s. 922.095, F.S.; providing that failure to pursue collateral relief within a specified period is grounds for issuance of a death warrant; creating 924.055, F.S.; providing legislative intent with respect to the timely progress of postconviction proceedings in capital cases; providing certain time limitations for postconviction motions, petitions, and proceedings in capital cases; amending s. 940.03, F.S.; requiring that an application for executive clemency for a person sentenced to death be filed within a specified period; providing for severability; providing an effective date.

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

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

CS for HB 409—A bill to be entitled An act relating to dance studios; amending s. 501.143, F.S.; providing additional requirements with respect to applications for registration as a dance studio; providing an effective date.

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

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

CS for HB 437—A bill to be entitled An act relating to the sickle-cell trait; requiring the Department of Health and Rehabilitative Services to establish a sickle-cell program to the extent that resources are available; providing for education and screening; providing for cooperation with, and grants to, not-for-profit centers; providing an effective date.

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

By the Committees on Criminal Justice and Education and Representative Bainter and others—

CS for HB's 459, 931, 1407 and CS for HB 301—A bill to be entitled An act relating to assault and battery; creating s. 784.041, F.S.; defining the offense of felony battery, and providing penalties therefor; amending s. 784.07, F.S., relating to reclassification of offenses of assault or battery upon law enforcement officers, firefighters, or other specified officers; adding emergency medical care providers and community college security officers for purposes of the reclassified offenses; defining the term "emergency medical care provider" for the purposes of this section; authorizing enhanced penalties; and minimum terms of imprisonment for certain offenses, reenacting s. 39.039(1)(b), F.S., relating to fingerprinting and photographing, s. 775.0877(1)(d)-(g), F.S., relating to criminal transmission of HIV, and s. 943.051(3)(b), F.S., relating to criminal justice information and fingerprinting, to incorporate said amendment in references; creating s. 784.081, F.S.; providing enhanced penalties for assault or aggravated assault or battery or aggravated battery upon specified officials or employees; creating s. 784.082, F.S.; providing enhanced penalties for assault or aggravated assault or battery or aggravated battery by persons being detained in prison, jail, or other detention facilities against visitors or other detainees; amending s. 921.0012, F.S., relating to the offense severity ranking chart; ranking the new offenses and deleting references to repealed offenses; moving the offense of false report of deadly explosive or act of arson or violence to state property from level 5 to level 6; repealing ss. 231.06, 240.381, 381.0025(4), 401.41(2), 415.111(5), 944.42, and 951.075, F.S., relating to assault or battery upon school board employees, community college security officers, employees of the Department of Health and Rehabilitative Services, emergency medical technicians, or protective investigators, or committed by prisoners or detainees in jails or detention facilities, to conform to the act; providing an effective date.

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

By the Committees on Criminal Justice and Juvenile Justice and Representative Stafford and others—

CS for HB 485—A bill to be entitled An act relating to delinquency and gang prevention; creating s. 39.0251, F.S.; establishing the street shelter program; providing legislative intent and definitions; providing for program administration by the Department of Juvenile Justice and county juvenile justice councils, children-in-need-of-services or families-in-need-of-services providers, local government, youth agencies, and area chambers of commerce; amending s. 230.2316, F.S.; establishing "weekend programs," for purposes of delinquency and gang prevention; creating s. 39.0253, F.S.; establishing the gang intervention worker program; creating s. 39.02531, F.S.; establishing local recreational delinquency prevention programs; providing for certain agreements by municipalities and district school boards; creating s. 39.02532, F.S.; authorizing diversionary programs for nonviolent juvenile offenders to be developed by the Department of Juvenile Justice and the Florida National Guard; creating s. 39.02533, F.S.; creating a gang and delinquency prevention specialist in the Department of Juvenile Justice; amending s. 39.0255, F.S.; revising certain requirements relating to juvenile civil citations; amending s. 39.0471, F.S.; encouraging juvenile justice assessment centers to establish truancy programs; amending s. 39.069, F.S.; permitting state to appeal order denying restitution; creating s. 943.27, F.S.; creating a gang and delinquency prevention specialist in the Department of Law Enforcement; amending s. 39.052, F.S., relating to disposition hearings for delinquency cases, to conform to the changes to

ch. 874, F.S.; amending ch. 874, F.S., relating to street terrorism enforcement and prevention; amending s. 874.01, F.S.; revising the short title; creating the "Criminal Street Gang Prevention Act of 1996"; amending s. 874.02, F.S., relating to legislative intent; clarifying language; amending s. 874.03, F.S.; revising and adding definitions relating to criminal street gangs; amending s. 874.04, F.S.; revising penalty enhancement provisions and clarifying language; creating s. 874.05, F.S.; providing penalties for criminal street gang recruitment; amending s. 874.06, F.S., relating to civil cause of action; clarifying language; amending ss. 874.08 and 874.09, F.S., relating to forfeiture and crime data information, to conform to the act; amending s. 893.138, F.S., relating to local administrative action to abate street gang activity; conforming language; reenacting s. 895.02(3), F.S., relating to the definition of "enterprise," to incorporate the amendment to s. 874.03, F.S., in a reference; amending s. 921.0012, F.S.; ranking the offenses of criminal street gang recruitment on the offense severity ranking chart; amending s. 921.0014, F.S.; providing a multiplier on the sentencing guidelines worksheet; amending s. 39.044, F.S.; providing for electronic monitoring of a child while placed into home detention care or nonsecure detention care; providing for placement of such child in secure detention care upon violation of the home detention care, nonsecure detention care or electronic monitoring agreement; amending s. 39.054, F.S., relating to court powers of disposition; providing for supervision of community control programs, and filing of petitions for violations of such programs, by the Department of Juvenile Justice; providing for court discretion to impose community service or order monetary restitution, or both; reenacting s. 960.001(1)(j), F.S., to incorporate said amendment in a reference; creating ss. 877.31-877.34, F.S.; providing intent; providing definitions; providing that counties and municipalities may adopt specified ordinances with respect to the placing of graffiti on any public or private property; providing for community service; providing effective dates.

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

By the Committee on Claims and Representative K. Pruitt and others—

CS for HB 489—A bill to be entitled An act relating to Palm Beach County; providing for the relief of Michael Todd Hall, to compensate him for injuries and damages sustained as a result of the negligence of Palm Beach County; 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 Representative Rayson and others—

HB 529—A bill to be entitled An act relating to education; creating the "Florida Maximum Class Size Goals Act"; providing intent; providing goals relating to class size in certain grade levels; providing for funding; requiring annual reports and a study based on class size reductions; providing an effective date.

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

By Representative Logan—

HB 595—A bill to be entitled An act relating to voter registration; amending s. 97.012, F.S.; requiring the Secretary of State to create and maintain a central voter file; amending s. 97.021, F.S.; defining "central voter file"; creating s. 98.097, F.S.; providing for creation and maintenance of the central voter file; providing applicability of current requirements relating to distribution and use of voter registration information to distribution and use of such information in the central voter file; amending ss. 98.045 and 98.095, F.S., relating to administration of voter registration and public access to registration information, respectively, to conform; amending s. 98.212, F.S.; requiring supervisors of elections to provide voter registration information to the Division of Elections of the Department of State for the central voter file; amending ss. 99.092 and 105.031, F.S.; levying additional filing fees on all candidates who file

with the department; providing a time limit on such additional fees; amending s. 99.103, F.S., to conform; amending s. 125.01, F.S.; correcting a cross reference; providing effective dates.

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

By the Committee on Commerce and Representative Safley and others—

HB 625—A bill to be entitled An act relating to interstate banking; amending s. 658.295, F.S.; creating the “Florida Interstate Banking Act”; providing definitions; providing legislative intent; providing for application of certain laws; providing authority for the Department of Banking and Finance to enter into cooperative agreements; specifying permitted acquisitions; requiring applications for acquisition; specifying standards for approval; requiring reports; providing penalties; creating s. 658.2953, F.S.; creating the “Florida Interstate Branching Act”; providing purpose and legislative intent; providing definitions; prohibiting certain interstate branching under certain circumstances; authorizing state banks to establish interstate branches under certain circumstances; authorizing certain merger transactions and branching; specifying notice and filing requirements; providing for examinations, periodic reports, and cooperative agreements; authorizing the department to assess certain fees; specifying laws applicable to interstate branching operations; providing exceptions; providing for enforcement; requiring notice of subsequent merger of certain institutions; authorizing de novo interstate branching by state banks under certain circumstances; authorizing additional branches under certain circumstances; requiring notice to establish and maintain a branch; authorizing relocation of main offices under certain circumstances; amending s. 658.26, F.S.; clarifying provisions relating to places of transacting business; specifying permitted banking activities; amending s. 658.65, F.S.; limiting use of remote financial service units in this state to certain banks; amending s. 655.922, F.S.; clarifying which financial institutions may engage in certain business in this state; amending s. 658.73, F.S.; imposing a fee for out-of-state bank application; providing severability; repealing s. 658.29, F.S., relating to prohibitions against certain ownership and control; providing effective dates.

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

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

CS for HB’s 807, 1185 and 2423—A bill to be entitled An act relating to public safety; creating the “Jimmy Ryce Act”; revising and restructuring the “Florida Sexual Predators Act”; amending s. 775.21, F.S.; providing a short title; providing definitions; providing legislative findings and purpose, and legislative intent; providing criteria for sexual predator designation, registration, and community and public notification requirements; requiring sexual predator registration and community and public notification; providing that a “sexual predator” is a person found by the court to be a sexual predator based on an offense committed on or after October 1, 1993, and before October 1, 1996, or a person who meets the criteria pursuant to s. 775.21, F.S., based on an offense committed on or after October 1, 1996; providing for immunity under certain circumstances; providing a penalty for certain sexual predators who work in situations involving children; providing penalties for persons who use certain public records to facilitate the commission of a crime; repealing ss. 775.22, 775.225, and 775.23, F.S., relating to sexual predator registration, public notice of presence of sexual predator, and sexual predators, to conform to the act; amending s. 775.13, F.S., relating to registration of convicted felons, to provide an exception for felons registered as sexual predators; amending s. 921.0016, F.S., relating to aggravating circumstances for purposes of sentencing, to provide that it is an aggravating circumstance if the offense was motivated by vigilantism in certain circumstances; amending s. 947.1405, F.S., relating to the conditional release program, to conform to the act; amending s. 944.606, F.S., relating to notification upon release of a sexual offender, to conform to the act; amending s. 827.071, F.S., relating to a sexual performance by a child, to require certain commercial processors or producers of film, videotape, video discs, or other images and persons who offer computer

network services to report a depiction of a person reasonably believed to be a child engaged in sexual conduct to a law enforcement agency; providing a penalty for failing to report as required; providing immunity from civil or criminal liability for making such report; amending s. 847.0135, F.S.; revising specified computer pornography and child exploitation offenses to include the element of facilitating, encouraging, offering, or soliciting sexual conduct of or with a person believed to be a minor; providing a penalty; creating the offense of knowingly utilizing a computer on-line service, internet service, or local bulletin board service to seduce, solicit, lure, entice, or attempt to seduce, solicit, lure, or entice, a child or person believed to be a child to commit certain offenses; providing a penalty; prohibiting the owner or operator of a computer on-line service, internet service, or local bulletin board service knowingly to permit a subscriber to commit such offense; providing a penalty; providing jurisdictional guidelines; specifying applicability; amending s. 16.56, F.S.; authorizing the Office of Statewide Prosecution within the Department of Legal Affairs to investigate and prosecute specified computer pornography and child-exploitation offenses and other related offenses; amending s. 937.024, F.S.; requiring registrar’s offices to notify the Department of Law Enforcement of a request for birth records; requiring the Department of Law Enforcement to notify the local law enforcement agency of such request; authorizing registrar’s offices to remove flags from records upon notification from the Department of Law Enforcement; creating s. 937.025, F.S.; requiring schools to flag student records and assist law enforcement regarding missing students; providing immunity from civil liability; requiring certain reporting and providing immunity; providing criminal penalties for false reporting; providing effective dates.

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

By the Committee on Higher Education and Representative Wasserman Schultz—

HB 873—A bill to be entitled An act relating to community colleges; amending s. 240.115, F.S.; authorizing community college boards of trustees to identify certain additional semester hours of instructional graduation requirements; amending s. 240.311, F.S.; relating to rules of the State Board of Community Colleges; establishing the Florida Community College Distance Learning Resource Center; amending s. 240.313, F.S.; requiring participation by members of community college district boards of trustees in a trustee orientation program; amending s. 240.319, F.S., relating to board of trustees powers and duties; requiring annual evaluations of community college presidents; providing requirements for contracts with presidents; amending s. 240.324, F.S.; providing a requirement of the community college accountability plan; amending s. 240.35, F.S., providing for 60 full-time equivalent student fee exemptions; creating the Florida Education Technology Foundation for certain purposes; providing for a board of directors; providing for membership; providing for appointing members; providing for electing members; providing duties of the board; providing for creation of Florida’s Future Investment Funds for certain purposes; providing for investment of moneys in such funds; providing for donating certain revenues to the foundation; providing for contributing a portion of investment interest to the foundation for certain purposes; providing for a reduced intangibles tax rate on securities in Florida’s Future Investment Funds under certain circumstances; amending s. 240.299, F.S.; providing reporting requirements for university direct-support organizations; amending ss. 240.331 and 240.3315, F.S.; prescribing membership of boards of directors and executive committees of community college direct-support organizations and statewide community college direct-support organizations; restricting activities of such direct-support organizations; providing reporting requirements for such organizations; amending s. 240.3335, F.S.; removing the authority of a board of directors of a center of technology innovation to acquire, lease, or sublease property; amending s. 240.363, F.S.; prohibiting community colleges from using or pledging public funds or property to direct-support organizations; authorizing a direct-support organization for the Florida Commission on the Status of Women; providing an effective date.

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

By Representative Trammell and others—

HB 893—A bill to be entitled An act relating to Dade County; providing for the relief of Francisco and Maria Del Carmen Ortega; providing an appropriation to compensate them for injuries and damages sustained due to the negligence of Public Health Trust of Dade County, d.b.a. Jackson Memorial Hospital; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Chestnut and others—

HB 1009—A bill to be entitled An act relating to education; creating s. 229.0535, F.S.; providing responsibility of the State Board of Education to implement a system of school improvement and accountability; authorizing intervention in the operation of district school systems with low-performing schools; authorizing recommendation of specified actions; authorizing the withholding of funds; amending s. 39.01, F.S.; revising definition relating to habitually truant children for purposes of proceedings relating to juveniles; amending s. 39.426, F.S.; revising the composition of case staffing committees; amending s. 228.041, F.S.; revising definition of habitual truant for purposes of the Florida School Code; amending s. 230.2316, F.S., relating to dropout prevention; revising definition of second chance schools; authorizing assignment of truant to second chance schools; providing requirements for programs to eliminate truancy; amending s. 232.17, F.S.; revising duties of attendance assistants relating to regular school attendance by students; amending s. 232.19, F.S., relating to court procedure and penalties; revising procedures in cases of habitual truancy; requiring educational evaluation and a cooperative agreement; amending s. 229.592, F.S., relating to waiver of statutes; providing an effective date.

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

By Representative Johnson—

HB 1013—A bill to be entitled An act relating to insurance; requiring certain insurers to file reports concerning their risk based capital; requiring the Department of Insurance to request such reports under certain circumstances; providing for hearings; providing definitions and reporting requirements; requiring certain insurers to file reports of material transactions concerning their assets or their ceded reinsurance agreements; providing definitions and reporting requirements; prescribing authority of the Department of Insurance with respect to such reports; amending s. 624.3161, F.S.; deleting a limitation on frequency of certain market conduct examinations; amending s. 624.424, F.S.; increasing the time limitation on insurers using certain accounting services for certain purposes; amending s. 624.610, F.S.; providing additional circumstances under which credit for reinsurance may be allowed in accounting and financial statements; amending s. 626.918, F.S.; specifying surplus and trust fund requirements for alien surplus lines insurers; providing alternatives; providing an effective date.

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

By the Committee on Education and Representative Chestnut and others—

HB 1041—A bill to be entitled An act relating to education; amending s. 229.592, F.S., relating to the waiver process of Blueprint 2000; amending ss. 232.245, 232.246, and 232.425, F.S.; raising the required cumulative grade point average for purposes of the school district comprehensive program for pupil progression, high school graduation, and participation in interscholastic extracurricular activities; restricting access to certain high school courses; providing for satisfaction of certain requirements; revising credit requirements; correcting cross references; amending s. 232.2454, F.S.; revising provisions relating to student performance standards; authorizing individual district school boards by resolution to allow invocation or benediction at specified secondary school-related

events; providing legislative intent; revising the definition of dual enrollment credit; amending s. 231.17, F.S.; requiring mastery in the subject area of mathematics for certain teacher certification; amending s. 231.261; revising the membership of the Education Practices Commission; amending s. 231.40, F.S., relating to sick leave pool; amending s. 240.529, F.S.; requiring standards for preparation of teachers for instruction of higher-level mathematics concepts; amending ss. 229.565 and 233.011, F.S.; correcting cross references; amending s. 240.116, F.S.; providing requirements for student enrollment in dual enrollment courses; requiring the development of standards; amending s. 240.118, F.S.; requiring the recommendation of statutory changes to reduce post-secondary remediation; creating the "Florida Maximum Class Size Goals Act"; providing intent; providing goals relating to class size in certain grade levels; providing for funding; providing for review of statutory mandates; requiring annual reports and a study based on class size reductions; creating a Commissioner's Task Force on Interscholastic Extracurricular Activities; providing for a report; providing for future repeal; providing an effective date.

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

By Representative Smith and others—

HB 1085—A bill to be entitled An act relating to military affairs; amending s. 250.35, F.S.; increasing fines with respect to courts-martial; amending s. 250.06, F.S.; authorizing the Governor to authorize the organized militia to provide extraordinary support to law enforcement and to provide certain humanitarian relief; amending s. 250.24, F.S.; revising language with respect to pay and expenses of the militia to provide for payroll approval by the Adjutant General under certain circumstances; providing an effective date.

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

By the Committee on Claims and Representative Rojas—

CS for HB 1101—A bill to be entitled An act relating to the City of Homestead; providing for the relief of Joaquin and Maria Martins, parents and legal guardians of Brian Martins; providing an appropriation to compensate Brian Martins for damages he sustained as a result of medical malpractice at James Archer Smith Hospital; 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 Representative Greene and others—

HB 1143—A bill to be entitled An act relating to postsecondary education; amending s. 240.551, F.S.; providing for the transfer of dormitory residence fees paid under the Florida Prepaid Postsecondary Education Expense Program to a community college or a community college direct-support organization; providing a limitation; providing an effective date.

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

By Representative Crady and others—

HB 1171—A bill to be entitled An act relating to rural community development; creating the Rural Community Development Revolving Loan Fund Program; providing purposes; providing criteria; providing requirements; providing duties of the Department of Commerce; requiring a report; creating s. 288.018, F.S.; providing for the Regional Rural Development Grants Program; authorizing the Department of Commerce to establish a pilot matching grant program for certain purposes; providing criteria; authorizing use of certain moneys in the Rural Com-

munity Development Revolving Loan Fund; requiring a report; providing an appropriation to the fund; providing an effective date.

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

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

CS for HB 1191—A bill to be entitled An act relating to environmental protection; amending s. 403.813, F.S.; providing that certain environmental permits are not required for maintenance dredging of certain portions of natural waterbodies within approved rights-of-way or drainage easements; providing an effective date.

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

By Representative Johnson—

HB 1193—A bill to be entitled An act relating to Hillsborough County; providing for the relief of Douglas Johnson; providing an appropriation to compensate him for injuries and damages sustained as a result of the negligence of Hillsborough County; 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 Representative Meek and others—

HB 1241—A bill to be entitled An act relating to education; amending s. 233.067, F.S., relating to comprehensive health education and substance abuse prevention; authorizing school-based AIDS education incentive grants; specifying proposal requirements; requiring consideration of factors in awarding grants; requiring annual reports; providing an effective date.

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

By Representative Meek and others—

HB 1247—A bill to be entitled An act relating to education; creating the "Educational Enhancement Act of Florida"; providing purpose and intent; authorizing district school boards to grant authorizations to operate as educational enhancement centers; providing eligibility for grant of an authorization to operate; providing procedures for creation of educational enhancement centers; providing application requirements; providing procedures and requirements for approval of an authorization to operate; providing for public hearings; authorizing waivers from statutes, rules, and collective bargaining agreements; providing funding; providing immunity and liability; providing violations; limiting the number of educational enhancement centers; authorizing programs and standards; requiring adherence to public meetings and records requirements; providing applicability of Florida Statutes; providing an effective date.

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

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

CS for HB 1287—A bill to be entitled An act relating to truancy prevention; amending s. 39.01, F.S.; revising definition relating to habitually truant children for purposes of proceedings relating to juveniles; amending s. 39.426, F.S.; revising the composition of case staffing committees; amending s. 228.041, F.S.; revising definition of habitual truant for purposes of the Florida School Code; amending s. 230.2316, F.S., relating to dropout prevention; revising definition of second chance

schools; authorizing assignment of truants to second chance schools; providing requirements for programs to eliminate truancy; amending s. 232.17, F.S.; revising duties of attendance assistants relating to regular school attendance by students; amending s. 232.19, F.S., relating to court procedure and penalties; revising procedures in cases of habitual truancy; requiring educational evaluation and a cooperative agreement; providing an effective date.

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

By the Committee on Education and Representative Carlton and others—

CS for HB 1315—A bill to be entitled An act relating to the discipline or expulsion of pupils; amending s. 232.26, F.S.; revising procedures and conditions relating to suspension or expulsion of a student who is charged with certain actions; authorizing a waiver of discipline or expulsion under certain situations; reenacting s. 39.045(11), F.S., relating to notification of delinquent acts, to incorporate the amendment to s. 232.26, F.S., in a reference; creating s. 232.271, F.S.; providing for a teacher's authority to remove disruptive students from the classroom; requiring certain teachers to complete professional development classes under certain circumstances; creating s. 232.272, F.S.; establishing a placement review committee; providing an effective date.

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

By Representative Gay and others—

HB 1463—A bill to be entitled An act relating to service fees for dishonored checks; amending s. 68.065, F.S., relating to actions to collect worthless checks, drafts, or orders of payment; increasing the maximum fixed service fee chargeable by the payee when making written demand for payment; amending s. 125.0105, F.S.; increasing to \$25 such service fee chargeable by the governing body of a county; amending s. 832.07, F.S., relating to prima facie evidence of intent to defraud or knowledge of insufficient funds; providing for increasing of such service fee; amending s. 832.08, F.S., relating to the state attorney bad check diversion program; increasing to \$25 such service fee collectible by the diversion program office when the face value of the check does not exceed \$50; 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 King and others—

CS for HB 1801—A bill to be entitled An act relating to the confidentiality of rabies vaccination certificates; exempting identifying information in these certificates from public records requirements; providing exceptions to the exemption; providing for future expiration and review of the exemption; providing a statement of public necessity; providing an effective date.

—was referred to the Committee on Agriculture.

By Representative Goode and others—

HB 1811—A bill to be entitled An act relating to community redevelopment and neighborhood improvement; amending s. 163.340, F.S.; including the reduction or prevention of crime within community redevelopment activities under the Community Redevelopment Act of 1969 and defining "community policing innovation"; amending ss. 163.345, 163.350, 163.356, 163.358, 163.360, 163.361, 163.370, and 163.387, F.S.; including the development and implementation of community policing innovations in provisions relating to the encouragement of private enterprise participation in redevelopment, elements of the workable program, powers of the community redevelopment agency, and elements of the community redevelopment plan; authorizing the county or municipality to appropriate funds for community policing innovations; authorizing

use of moneys in the redevelopment trust fund for community policing innovations; providing an additional requirement for acquisition of land for nonresidential uses; amending ss. 163.502, 163.503, 163.506, 163.511, 163.512, 163.513, 163.514, 163.516, 163.519, and 163.521, F.S.; including crime prevention through development and implementation of community policing innovations in powers of neighborhood improvement districts under the Safe Neighborhoods Act; authorizing use of special assessments for community policing innovations; including community policing innovations within safe neighborhood improvement plans; providing duties of the Department of Legal Affairs with respect to community policing innovations; including capital improvements related to community policing innovations in provisions which authorize certain local governments to request state funding for certain capital improvements; creating s. 943.1729, F.S.; authorizing the Criminal Justice Standards and Training Commission to establish standards for instruction of law enforcement officers in "community policing" as defined; providing for a nonmandatory training component related to such techniques for purposes of continued employment or appointment of officers; providing an effective date.

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

By Representative Burroughs and others—

HB 1827—A bill to be entitled An act relating to community colleges; creating s. 240.383, F.S.; establishing the State Community College System Facility Enhancement Challenge Grant Program to aid community colleges in building high priority instructional and community-related capital facilities; providing for deposit of funds; requiring a capital facilities matching account within the direct-support organization of each community college to provide matching funds from private contributions; providing for matching appropriations; providing eligibility requirements; providing guidelines; providing for disbursement of unexpended funds; providing for naming of facilities; providing an effective date.

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

By the Committee on Appropriations and Representative Cosgrove and others—

CS for HB 1863—A bill to be entitled An act relating to specified burglary of or grand theft from a dwelling or structure; providing a short title; amending s. 810.02, F.S.; providing that it is a felony of the first degree to commit burglary of a dwelling or structure under certain circumstances; amending s. 812.014, F.S.; providing that it is a felony of the first degree to commit grand theft under certain circumstances; amending s. 772.102, F.S.; including the new burglary offense within the definition of the term "criminal activity" for purposes of ch. 772, F.S., relating to civil remedies for criminal practices; amending s. 895.02, F.S.; including the new burglary offense within the definition of the term "racketeering activity" for purposes of ch. 895, F.S., the Florida RICO Act; reenacting ss. 16.56(1)(a), 27.34(1), 655.50(3)(g), 896.101(1)(g), 905.34, F.S., relating to the Office of Statewide Prosecution, salaries and other costs of state attorneys, unlawful financial transactions, and statewide grand juries, to incorporate the amendment to s. 895.02, F.S., in references thereto; amending s. 39.052, F.S.; authorizing the state attorney to file an information requiring adult sanctions against certain juveniles who commit the new burglary or grand theft offenses; amending s. 921.0012, F.S., relating to the sentencing guidelines offense severity ranking chart; ranking the new offenses; providing an effective date.

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

By the Committee on Corrections and Representative Smith and others—

CS for HB 2017—A bill to be entitled An act relating to correctional work programs; amending s. 945.215, F.S.; providing for deposit of moneys into the Inmate Welfare Trust Fund constituting repayment of speci-

fied appropriation moneys; amending s. 946.006, F.S.; requiring the Department of Corrections to consult as specified with the Florida Corrections Commission regarding correctional work programs; providing additional responsibilities of the commission relating to such programs; amending s. 946.008, F.S., relating to financing of correctional work programs; providing guidelines for use of funds appropriated to the Correctional Work Program Trust Fund; providing an appropriation; amending s. 946.31, F.S., relating to sources of the fund, to provide a reference to correctional work programs; amending s. 946.32, F.S., relating to use of the fund; providing for vesting of departmental ownership of permanent enhancements made to facilities or work programs; amending s. 957.04, F.S., relating to contract requirements for operation of private correctional facilities; providing for opportunities to participate in correctional work programs to be included in work and education programs under such contracts; amending s. 946.518, F.S., relating to the sale of goods made by prisoners to provide a reference to sale of goods produced in correctional work programs; deleting a provision allowing craft items made by prisoners to be sold in the institutional canteen or commissary; creating s. 946.25, F.S.; providing for the sale of craft items made by prisoners in the institutional canteen or commissary; providing an effective date.

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

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

CS for HB 2215—A bill to be entitled An act relating to victim assistance; amending s. 960.001, F.S., relating to guidelines for fair treatment of victims and witnesses in the criminal justice and juvenile justice systems; requiring the Department of Juvenile Justice to develop and implement guidelines for notifying victims and witnesses of the release of certain defendants; providing conforming references with respect to the juvenile justice system; amending s. 960.03, F.S.; defining "disabled adult," "elderly person," "property loss," and "treatment" and redefining "victim" with respect to specified provisions relating to victim assistance; amending s. 960.13, F.S.; revising guidelines for awards and increasing the maximum amounts of awards; creating s. 960.195, F.S.; providing for awards by the Department of Legal Affairs to elderly persons or disabled adults for property loss, under specified circumstances; providing an effective date.

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

By Representative Lynn—

HB 2219—A bill to be entitled An act relating to education; repealing ss. 235.18, 239.121, 240.122, 240.125, 240.126, 240.154, 240.273, 240.278, 240.311(3)(n), 240.347, 240.349, 240.3575(5), 240.359(5), 240.3815(1), and 240.382(5), F.S., relating to annual capital outlay budgets, occupational specialists, postsecondary education funding, postsecondary consortia, consortium of institutions of higher learning, proposals for undergraduate enhancement, apportionment of funds and property to the State University System, and required course program funded by the Quality Assurance Fund; adoption of travel guidelines by the State Board of Community Colleges, the State Community College Program Fund, requirements for participation in the fund, annual report of economic development centers, report of remedial education, annual report of community college campus crime statistics, and rules for operation of child development training centers; amending s. 229.592, F.S., correcting a cross reference; provides an effective date.

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

By Representative Ball—

HB 2363—A bill to be entitled An act relating to confidentiality of records and meetings of the Florida Automobile Joint Underwriting Association; amending s. 627.311, F.S.; providing exemptions from public records requirements for underwriting files, open claim files, audit

records for a specified time, matters reasonably encompassed in privileged attorney-client communications, licensed proprietary information made confidential by contract, certain employee medical records and employee assistance programs records, certain negotiation information for a specified time, minutes of closed meetings regarding underwriting files, and minutes of closed meetings regarding claims files for a specified time; providing requirements regarding sharing of confidential records; providing an exemption from public meetings requirements for meetings during which underwriting files or open claims files are discussed; providing requirements regarding such closed meetings and records thereof; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

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

By the Committee on Ethics and Elections; and Representative Mackenzie—

CS for HB 2387—A bill to be entitled An act relating to elections; amending s. 99.061, F.S.; clarifying requirements for persons qualifying by the alternative method; amending s. 99.092, F.S.; clarifying requirements relating to payment of the qualifying fee and party assessment; amending s. 99.095, F.S.; requiring persons qualifying for office by the alternative method to pay party assessments; providing an exception; amending s. 103.091, F.S.; revising provisions relating to the membership of state executive committees of political parties under certain conditions; providing an effective date.

—was referred to the Committees on Executive Business, Ethics and Elections; and Rules and Calendar.

By the Committee on Judiciary and Representative Maygarden and others—

CS for HB 2391—A bill to be entitled An act relating to the Florida National Guard; amending s. 250.482, F.S.; providing certain enforcement provisions to ensure employment protection of members of the Florida National Guard when ordered into state active service; providing for civil damages; providing for damages; providing for a prerequisite to filing lawsuits; providing an effective date.

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

By Representative Casey—

HB 2515—A bill to be entitled An act relating to confidentiality of certain public utility records; amending s. 119.07, F.S.; providing an exemption from public records requirements for specified information held by governmentally owned utilities which, if released, would identify an individual customer; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

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

By the Committee on Utilities and Telecommunications; and Representative Brown—

CS for HB 2523—A bill to be entitled An act relating to the emergency "911" telephone number system; amending s. 365.171, F.S.; revising language with respect to the exemption from public records requirements for certain information obtained in connection with use of the system; 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 Judiciary.

By the Committee on Rules and Calendar; and Representative Mackenzie and others—

HB 2669—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; 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 administration 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; amending s. 11.111, F.S.; revising provisions relating to continuation of specified proceedings for term of Legislature; 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 and 11.145, 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, 216.164, 216.166 and 450.211, F.S., to conform; repealing Part II of Chapter 283, F.S., relating to Legislative Agency Printing; providing a contingent effective date.

—was referred to the Committee on Rules and Calendar.

By Representative Jacobs—

HB 2703—A bill to be entitled An act relating to Palm Beach County; providing for the relief of Ronald William "Billy" Hungerford, a minor,

by and through his father and natural guardian, Ronald Edwin Hungerford, and Ronald Edwin Hungerford, individually, to compensate them for losses they sustained as a result of an accident that caused serious personal injuries to Billy Hungerford, a minor, as a result of the negligence of Palm Beach County; 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 Representative Gay—

HJR 1421—A joint resolution proposing an amendment to Section 1 of Article VIII of the State Constitution relating to recording of instruments.

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

By Representative Smith—

HB 2653—A bill to be entitled An act relating to trust funds; re-creating the Correctional Work Program Trust Fund within the Department of Corrections without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

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

By Representative Burroughs and others—

HB 1825—A bill to be entitled An act relating to trust funds; creating the Community College Capital Facilities Matching Trust Fund within the Department of Education; providing for source of moneys and purposes; providing for future review and termination or re-creation of the fund; providing a contingent effective date.

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

By Representative Rodriguez-Chomat and others—

HM 1323—A memorial to the Congress of the United States urging the defeat of Senate Bill S. 1394 and House Bill H.R. 2202 relating to immigration reform.

—was referred to the Committees on Commerce and Economic Opportunities; and Rules and Calendar.

By the Committee on Rules and Calendar; and Representative Mackenzie and others—

HCR 2665—A concurrent resolution adopting additional Joint Rules of the Florida Legislature.

—was referred to the Committee on Rules and Calendar.

The Honorable James A. Scott, President

I am directed to inform the Senate that the House of Representatives has passed HB 403, as amended, reconsidered and further amended, and passed, as further amended HB 403, and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representative Tedder and others—

HB 403—A bill to be entitled An act relating to education; authorizing the creation of charter schools and providing purpose; providing for proposals, sponsorship, and contracts; limiting the number of charter schools; providing student eligibility; providing organization as a legal entity and requirements as an employer; providing requirements of charter schools; providing charter requirements; providing causes for nonrenewal or termination of a charter and specifying procedures; providing exemption from certain statutes; providing rights and qualifications of employees; providing funding and transportation of charter school students; providing immunity; providing length of school year; providing facility requirements; providing for initial costs; requiring dissemination of information; prohibiting levy of taxes and issuance of bonds; requiring legislative review; amending s. 121.021, F.S.; revising the definitions of "employer" and "covered group" within the Florida Retirement System to include charter schools; amending s. 121.051, F.S.; authorizing optional participation in the system by charter schools; amending s. 229.053, F.S.; providing an additional duty of the State Board of Education; providing for severability; authorizing 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 recommendations for an incentive program; providing an effective date.

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

RETURNING MESSAGES ON SENATE BILLS

The Honorable James A. Scott, President

I am directed to inform the Senate that the House of Representatives has passed SB 26, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 26—A bill to be entitled An act relating to road designations; designating a portion of State Road 968 as the Maestro Luis Casas Romero Way; designating a portion of West 20th Avenue in the City of Hialeah as "Pal-Med Avenue"; designating a portion of Northwest 103rd Street as "Billy Kemp Boulevard"; directing the Department of Transportation to erect suitable markers; providing an effective date.

House Amendment 1 (with title amendment)—On page 2, between lines 3 and 4, insert:

Section 5. (1) That portion of Southwest 8th Street between the Palmetto Expressway and 87th Avenue in Dade County is hereby designated as "24th of February Boulevard."

(2) The Department of Transportation is directed to erect suitable markers designating the "24th of February Boulevard" as described in subsection (1). (renumber subsequent section(s))

And the title is amended as follows:

On page 1, line 8, after the semicolon (;) insert: designating a portion of Southwest 8th Street as "24th of February Boulevard";

On motion by Senator Casas, the Senate concurred in the House amendment.

SB 26 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39 Nays—None

The Honorable James A. Scott, President

I am directed to inform the Senate that the House of Representatives has passed SB 36, with amendment(s), by the required Constitutional three-fifths vote of the membership and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 36—A bill to be entitled An act relating to trust funds; creating the Ecosystem Management and Restoration Trust Fund within the Department of Environmental Protection; specifying the purposes of and the sources of moneys for the trust fund; providing a contingent effective date.

House Amendment 1—On page 2, lines 5-10, delete all of said lines and insert: initiated by the department. No settlement entered into by the department shall limit the Legislature's authority to appropriate moneys from the trust fund; provided, however, that the department may enter into a settlement in which the department agrees to request that moneys received pursuant to the settlement will be included in its legislative budget request for purposes set out in the settlement.

On motion by Senator Dantzler, the Senate concurred in the House amendment.

SB 36 passed as amended by the required constitutional three-fifths vote of the membership, and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38 Nays—None

The Honorable James A. Scott, President

I am directed to inform the Senate that the House of Representatives has passed SB 186, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 186—A bill to be entitled An act relating to secondary and postsecondary education; amending s. 240.116, F.S.; providing legislative intent for the articulated acceleration of secondary students who are dually enrolled in home-education programs and postsecondary courses; requiring community colleges and state universities to delineate courses and programs, establish criteria; providing an effective date.

House Amendment 1 (with title amendment)—On page 2, between lines 12 and 13, insert:

Section 2. Subsection (6) of Section 240.116, Florida Statutes is amended to read:

240.116 Articulated acceleration.—

(6) The International Baccalaureate Program shall be the curriculum in which eligible secondary students are enrolled in a program of studies offered through the International Baccalaureate Program administered by the International Baccalaureate Office. The State Board of Education shall establish rules which specify the cutoff scores and International Baccalaureate Examinations which will be used to grant postsecondary credit at community colleges and universities. Any such rules, which have the effect of raising the required cutoff score or of changing the International Baccalaureate Examinations which will be used to grant postsecondary credit, shall only apply to students taking International Baccalaureate Examinations after such rules are adopted by the State Board of Education. Students shall be awarded a maximum of 30 semester credit hours pursuant to this subsection. The specific course for which a student receives such credit shall be determined by the community college or university that accepts the student for admission. Students enrolled pursuant to this subsection shall be exempt from the payment of any fees for administration of the examinations. *During the 1996-97, 1997-98, and 1998-99 school years, the Department of Education shall assist one school district in conducting a pilot of the Advanced International Certificate of Secondary Education program administered by the University of Cambridge Local Examinations Syndicate. The Department shall produce an evaluation report and recommendations regarding the comparability of the Advanced International Certificate of Secondary Education program to the International Baccalaureate program and submit the report to the Legislature on or before October 1, 1999.*

Section 3. Paragraph (n) of subsection (1) of section 236.081, Florida Statutes, is amended to read:

236.081 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR OPERATION.—The following procedure shall be followed in determining the annual allocation to each district for operation:

(n) Calculation of additional full-time equivalent membership based on international baccalaureate examination scores of students.—A value of 0.24 full-time equivalent student membership shall be calculated for each student enrolled in an international baccalaureate course who receives a score of 4 or higher on a subject examination. A value of 0.3 full-time equivalent student membership shall be calculated for each student who receives an international baccalaureate diploma. Such value shall be added to the total full-time equivalent student membership in basic programs for grades 9 through 12 in the subsequent fiscal year. *During the years of the pilot program authorized in s. 240.116, F.S., students enrolled in the Advanced International Certificate of Education program shall generate full-time equivalent membership in the same manner as students enrolled in the International Baccalaureate program.* (renumber subsequent section[s])

And the title is amended as follows:

On page 1, line 9, after the semicolon insert: creating a pilot program for Advanced International Certificate of Secondary Education; clarifying full-time equivalent membership;

On motion by Senator Horne, the Senate refused to concur in the House amendment to **SB 186** and the House was requested to recede. The action of the Senate was certified to the House.

The Honorable James A. Scott, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 426, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 426—A bill to be entitled An act relating to the public records law; amending s. 338.155, F.S.; exempting from s. 119.07, F.S., and s. 24(a), Art. I of the State Constitution certain information that is in the possession of the Department of Transportation, a county, or an expressway authority that relates to payment of tolls by credit card, charge card, or check; providing for future legislative repeal and review under s. 119.15, F.S.; providing a finding of public necessity that such an exemption protects the health, safety, public welfare, and privacy of individuals who use the toll system and promotes a more efficient and effective government; providing an effective date.

House Amendment 1 (with title amendment)—On page 2, between lines 27 and 28, insert:

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

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

(3)

(z) *Bank account numbers or debit, charge, or credit card numbers given to an agency for the purpose of payment of any fee or debt owing are confidential and exempt from subsection (1) and s. 24(a), Art. I of the State Constitution. However, such numbers may be used by an agency, as needed, in any administrative or judicial proceeding, provided such numbers are kept confidential and exempt, unless otherwise ordered by the court. This paragraph is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2001, unless reviewed and saved from repeal through reenactment by the Legislature.*

Section 4. The Legislature finds it is a public necessity that bank account numbers and debit, charge, or credit card numbers given to an

agency for purposes of payment of any fee or any debt be held confidential and exempt from public records requirements because revealing such information could create the opportunity for fraud and impede technological innovation. This exemption would create a secure environment for payment in this manner. (renumber subsequent section[s])

And the title is amended as follows:

On page 1, line 16, after the semicolon (;) insert: amending s. 119.07, F.S.; providing an exemption from public records requirements for bank account and debit, charge, or credit card numbers given to an agency for payment of any fee or debt; providing for future review and repeal; providing a finding of public necessity;

On motion by Senator Dyer, the Senate concurred in the House amendment.

CS for SB 426 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38 Nays—1

The Honorable James A. Scott, President

I am directed to inform the Senate that the House of Representatives has passed SB 1156, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 1156—A bill to be entitled An act relating to road designations; designating U.S. Highway 19 from Pasco County and Hernando County line north to the northern city limits of Perry, Florida, as the "Nature Coast Trail"; providing for the erection of markers; providing an effective date.

House Amendment 2 (with title amendment)—On page 1, between lines 16 and 17, insert:

Section 2. (1) New Kings Road, which is a part of U.S. 1 and U.S. 23, commencing in the City of Jacksonville at Martha Street and Old Kings Road and ending at the Duval County/Nassau County line, is hereby redesignated as "Arnolta J. Williams Road."

(2) The Department of Transportation is directed to erect suitable markers designating "Arnolta J. Williams Road" as described in subsection (1).

Section 3. (1) Section 36008 from the intersection of State Road 492 and Pine Avenue (U.S. 441/301), mile post 0, East to the intersection of State Road 492 and State Road 40 mile post 3.757, in Ocala is hereby designated as the "McCall/Custureri Highway."

(2) The Department of Transportation is directed to erect suitable markers designating the "McCall/Custureri Highway" as described in subsection (1).

Section 4. (1) The Interstate 75 interchange at State Road 326 in Marion County is hereby designated as the "Julius James & Family Interchange."

(2) The Department of Transportation is directed to erect suitable markers designating the "Julius James & Family Interchange."

Section 5. (1) The Interstate 75 interchange at County Road 318 in Marion County is hereby designated as the "Alec P. Courtelis Interchange."

(2) The Department of Transportation is directed to erect suitable markers designating the "Alec P. Courtelis Interchange."

Section 6. (1) That portion of Southwest 72nd Street from Southwest 42nd Avenue to Southwest 157th Avenue in Dade County is hereby designated as "Marjory Stoneman Douglas Sunset Drive."

(2) The Department of Transportation is directed to erect suitable markers designating "Marjory Stoneman Douglas Sunset Drive" as described in subsection (1).

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, line 6, after the semicolon (;) insert: redesignating New Kings Road in the City of Jacksonville as "Arnolta J. Williams Road"; designating a portion of State Road 492 in Ocala as the "McCall/Custureri Highway"; designating the Interstate 75 and State Road 326 interchange as the "Julius James & Family Interchange"; designating the Interstate 75 and County Road 318 interchange as the "Alec P. Courtelis Interchange"; designating a portion of Southwest 72nd Street in Dade County as the "Marjory Stoneman Douglas Sunset Drive"; directing the Department of Transportation to erect suitable markers;

On motion by Senator Williams, the Senate concurred in the House amendment.

SB 1156 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38 Nays—None

The Honorable James A. Scott, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB's 2290 and 2288, with amendments, and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB's 2290 and 2288—A bill to be entitled An act relating to administrative procedure; creating s. 11.0751, F.S.; requiring an analysis of agency rulemaking requirements prior to enactment of any general or special law by the Legislature; amending s. 11.60, F.S.; revising requirements relating to the Administrative Procedures Committee's annual report and standing to seek review of rules; providing additional duties relating to review of the rulemaking process, establishment of evaluation criteria, and review of statutes; revising and restructuring chapter 120, F.S., the Administrative Procedure Act; amending s. 120.52, F.S., relating to definitions; revising the definition of "agency" and including the Commission on Ethics and the Game and Fresh Water Fish Commission within said definition; revising the definitions of "invalid exercise of delegated legislative authority" and "rule" and defining "final order," "official reporter," "small city," "small county," "variance," and "waiver"; creating s. 120.525, F.S.; providing notice requirements for public meetings, hearings, and workshops; amending s. 120.53, F.S.; providing for maintenance of agency orders and for indexing or listing of orders; providing for use of an official reporter; requiring agencies to make certain information available; repealing s. 120.532, F.S., relating to preservation of agency orders and indexes; amending s. 120.533, F.S.; providing duties of the Department of State regarding orders that must be indexed or listed; repealing s. 120.535, F.S., which requires the adoption of specified rules as soon as feasible and practicable, provides presumptions with respect thereto, and provides procedures for substantially affected persons to seek a determination with respect thereto; specifying agency rulemaking authority with respect to implementation of enabling statutes; requiring agencies to provide the Administrative Procedures Committee with a list of existing rules which exceed such rulemaking authority and providing for legislative consideration of such rules; requiring agencies to initiate proceedings to repeal such rules for which authorizing legislation is not adopted, requiring a report to the Legislature; providing that the committee or a substantially affected person may petition for repeal of such rules after a specified date; amending s. 120.54, F.S.; providing general requirements applicable to rulemaking; providing that implementation of statutory provisions shall not be delayed pending adoption of implementing rules; providing requirements with respect to an agency including a provision based on a statement, policy, or guideline of another agency as a condition of license approval; revising requirements relating to rule development and workshops and requiring a notice of rule development; providing for negotiated rulemaking; revising requirements and procedures for rule adoption; revising requirements relating to the notice of intended action; requiring that an agency consider the impact on small businesses, small counties, and small cities, and providing requirements with respect thereto; revising provisions relating to changes to or withdrawal of rules; providing requirements relating to filing of rules; providing for post-

ponement of rule adoption to accommodate review; providing for emergency rules; providing for adoption of model rules by the Administration Commission; requiring agencies to comply with the model rules by a specified date; providing requirements for exceptions thereto; providing for adoption of federal standards; providing for petitions to initiate rule-making and agency and legislative response thereto; requiring agencies to compile a rulemaking record; creating s. 120.541, F.S.; providing that a substantially affected person may submit to an agency a lower-cost regulatory alternative to a rule; providing for preparation or revision by the agency of a statement of estimated regulatory costs and providing requirements with respect thereto; providing conditions necessary for declaration of the invalidity of a rule because it imposes regulatory costs which could be reduced; creating s. 120.542, F.S.; authorizing agencies to grant variances or waivers to rule requirements; providing requirements and procedures; providing for model rules; requiring a report; repealing s. 120.543, F.S., relating to adoption of federal standards; amending s. 120.545, F.S.; revising requirements relating to review of agency rules by the committee; providing that when the committee objects to a rule and the agency fails to respond within a specified period, the committee may recommend legislation to modify or suspend adoption of a proposed rule or amend or repeal a rule, and request the agency to temporarily suspend the adoption process or the rule; specifying effect if such legislation is enacted or fails to become law; amending s. 120.55, F.S.; revising provisions relating to publication and distribution of the Florida Administrative Code and the Florida Administrative Weekly and the contents thereof; increasing the limit on the unencumbered balance in the Publication Revolving Trust Fund; amending s. 120.56, F.S.; providing general procedures for challenging rules and special provisions for challenging proposed rules and changes to proposed rules, existing rules, agency statements defined as rules, and emergency rules; revising requirements and procedures applicable when a substantially affected person seeks an administrative determination of the invalidity of a proposed rule on the ground that it is an invalid exercise of delegated legislative authority; amending s. 120.565, F.S.; providing for declaratory statements by agencies regarding applicability of statutes, rules, or orders; creating s. 120.569, F.S.; providing procedures and requirements for proceedings in which the substantial interests of a person are determined; amending s. 120.57, F.S.; providing additional procedures and requirements applicable to hearings involving disputed issues of material fact; deleting certain recordkeeping requirements applicable to a consumptive use permit applicant; revising provisions relating to de novo review of certain agency action based on an unadopted rule; revising the time period for submission of written exceptions to a recommended order; revising provisions relating to an agency's adoption of a recommended order; providing authority of the director of the Division of Administrative Hearings to set the order of proceedings; providing additional proceedings and requirements applicable to hearings not involving disputed issues of material fact, and protests to contract bidding or award; providing for informal disposition of proceedings; creating s. 120.573, F.S.; providing procedures and requirements for mediation of administrative disputes; creating s. 120.574, F.S.; providing for summary hearings and providing procedures and requirements with respect thereto; requiring the division to maintain a register of formal proceedings for a specified period; repealing s. 120.575, F.S., relating to taxpayer contest proceedings, s. 120.58, F.S., relating to requirements for agency proceedings for rules or orders, and s. 120.59, F.S., relating to requirements applicable to orders; creating s. 120.595, F.S.; providing for costs and attorney's fees in connection with challenges to agency action involving disputed issues of material fact and providing for application to agencies; providing for costs and attorney's fees in connection with challenges to proposed rules and existing rules, challenges to agency statements defined as rules, and appeals; amending s. 120.60, F.S.; providing requirements and procedures applicable to licensing; repealing s. 120.61, F.S., relating to requirements relating to official recognition; amending s. 120.62, F.S.; providing certain rights with respect to agency investigations; amending s. 120.63, F.S.; correcting a reference; repealing s. 120.633, F.S., relating to certain exemptions from hearing and notice requirements applicable to the Division of Pari-mutuel Wagering; amending s. 120.65, F.S.; providing for employment by the Division of Administrative Hearings of administrative law judges, rather than hearing officers, to conduct hearings under the Administrative Procedure Act, and revising provisions relating thereto; amending s. 120.655, F.S., to conform; amending s. 120.66, F.S.; revising provisions relating to ex parte communications; renumbering and amending s. 120.71, F.S., relating to disqualification of agency personnel from serving in agency proceedings; amending s. 120.68, F.S.; providing for judicial review; providing requirements relating to consolidated proceedings; revising

requirements imposed on court action; amending s. 120.69, F.S.; correcting a reference; repealing s. 120.70, F.S., relating to an annual report by the division; amending s. 120.72, F.S.; providing legislative intent; repealing s. 120.721, F.S., relating to the effect of chapter 75-22, Laws of Florida, on rules, and s. 120.722, F.S., relating to legislative intent of chapter 78-95, Laws of Florida; creating s. 120.80, F.S.; consolidating in said section exemptions from requirements of the Administrative Procedure Act applicable to various agencies; authorizing the Public Service Commission to act in accordance with the Telecommunications Act of 1996 in implementing that act, notwithstanding other statutory requirements; creating s. 120.81, F.S.; consolidating in said section exemptions from requirements of the Administrative Procedure Act applicable to various general areas; authorizing a reviser's bill; providing an effective date.

House Amendment 1 (with title amendment)—On page 18, line 2, delete “model” and insert: *uniform*

And the title is amended as follows:

On page 3, lines 14 and 16, and on page 4, line 4, delete “model” and insert: *uniform*

House Amendment 2—On page 62, lines 6 and 7, delete “model” and insert: *uniform model*

House Amendment 3—On page 84, lines 27 through 31, and on page 85, lines 1 through 4, delete all of said lines

House Amendment 4—On page 96, line 9, delete “guidelines” and insert: *guideline*

House Amendment 5 (with title amendment)—On page 8, lines 7-16, delete all of said lines and insert:

Section 1. It is the intent of the Legislature to consider the impact of any agency rulemaking required by proposed legislation and to determine whether the proposed legislation provides adequate and appropriate standards and guidelines to direct the agency's implementation of the proposed legislation.

And the title is amended as follows:

On page 1, lines 3-6, delete all of said lines and insert: providing legislative intent with respect to the impact of rulemaking; amending s. 11.60,

House Amendment 6—On page 10, lines 19-23, delete all of said lines and insert: in part pursuant to chapter 361, part II, *an expressway authority pursuant to chapter 348, or any legal or administrative entity created by an interlocal agreement pursuant to s. 163.01(7), unless any party to such agreement is otherwise an agency as defined in this subsection*

House Amendment 7—On page 79, line 11, insert after “except in”: *penal or*

On motion by Senator Williams, the Senate concurred in the House amendments.

CS for SB's 2290 and 2288 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39 Nays—None

ROLL CALLS ON SENATE BILLS

SB 26

Yeas—39

Mr. President	Childers	Grant	Jennings
Bankhead	Crist	Harden	Johnson
Beard	Dantzler	Hargrett	Jones
Bronson	Diaz-Balart	Harris	Kirkpatrick
Brown-Waite	Dudley	Holzendorf	Kurth
Burt	Dyer	Horne	Latvala
Casas	Forman	Jenne	McKay

Meadows	Rossin	Thomas	Wexler	Sullivan	Turner	Wexler	Williams
Myers	Silver	Turner	Williams	Thomas	Weinstein		
Ostalkiewicz	Sullivan	Weinstein		Nays—None			
Nays—None							

CS for SB 1272

SB 36				Yeas—38			
Yeas—38				Mr. President	Dudley	Jennings	Rossin
Mr. President	Dudley	Jennings	Rossin	Bankhead	Dyer	Johnson	Silver
Bankhead	Dyer	Johnson	Silver	Bronson	Forman	Jones	Sullivan
Beard	Forman	Jones	Sullivan	Brown-Waite	Grant	Kirkpatrick	Thomas
Bronson	Grant	Kirkpatrick	Thomas	Burt	Harden	Kurth	Turner
Brown-Waite	Harden	Kurth	Turner	Casas	Hargrett	Latvala	Weinstein
Burt	Hargrett	Latvala	Weinstein	Childers	Harris	McKay	Wexler
Casas	Harris	McKay	Wexler	Crist	Holzendorf	Meadows	Williams
Childers	Holzendorf	Meadows	Williams	Dantzler	Horne	Myers	
Crist	Horne	Myers		Diaz-Balart	Jenne	Ostalkiewicz	
Dantzler	Jenne	Ostalkiewicz		Nays—None			
Nays—None							

SB 1868

SB 324				Yeas—38			
Yeas—39				Mr. President	Dudley	Jennings	Rossin
Mr. President	Diaz-Balart	Jenne	Ostalkiewicz	Beard	Dyer	Johnson	Silver
Bankhead	Dudley	Jennings	Rossin	Bronson	Forman	Jones	Sullivan
Beard	Dyer	Johnson	Silver	Brown-Waite	Grant	Kirkpatrick	Thomas
Bronson	Forman	Jones	Sullivan	Burt	Harden	Kurth	Turner
Brown-Waite	Grant	Kirkpatrick	Thomas	Casas	Hargrett	Latvala	Weinstein
Burt	Harden	Kurth	Turner	Childers	Harris	McKay	Wexler
Casas	Hargrett	Latvala	Weinstein	Crist	Holzendorf	Meadows	Williams
Childers	Harris	McKay	Wexler	Dantzler	Horne	Myers	
Crist	Holzendorf	Meadows	Williams	Diaz-Balart	Jenne	Ostalkiewicz	
Dantzler	Horne	Myers		Nays—1			
Nays—None				Bankhead			
				Vote after roll call:			
				Nay to Yea—Bankhead			

CS for SB 426

CS for SB 426				CS for SB's 2290 and 2288			
Yeas—38				Yeas—39			
Mr. President	Diaz-Balart	Jenne	Rossin	Mr. President	Diaz-Balart	Jenne	Ostalkiewicz
Bankhead	Dudley	Jennings	Silver	Bankhead	Dudley	Jennings	Rossin
Beard	Dyer	Johnson	Sullivan	Beard	Dyer	Johnson	Silver
Bronson	Forman	Jones	Thomas	Bronson	Forman	Jones	Sullivan
Brown-Waite	Grant	Kirkpatrick	Turner	Brown-Waite	Grant	Kirkpatrick	Thomas
Burt	Harden	Kurth	Weinstein	Burt	Harden	Kurth	Turner
Casas	Hargrett	McKay	Wexler	Casas	Hargrett	Latvala	Weinstein
Childers	Harris	Meadows	Williams	Childers	Harris	McKay	Wexler
Crist	Holzendorf	Myers		Crist	Holzendorf	Meadows	Williams
Dantzler	Horne	Ostalkiewicz		Dantzler	Horne	Myers	
Nays—1				Nays—None			
Latvala							

SB 1156

SB 1156				SB 2370			
Yeas—38				Yeas—26			
Mr. President	Crist	Hargrett	Kurth	Beard	Grant	Johnson	Thomas
Bankhead	Dantzler	Holzendorf	Latvala	Brown-Waite	Gutman	Kurth	Turner
Beard	Diaz-Balart	Horne	McKay	Casas	Harris	Latvala	Weinstein
Bronson	Dudley	Jenne	Meadows	Crist	Holzendorf	Meadows	Wexler
Brown-Waite	Dyer	Jennings	Myers	Diaz-Balart	Horne	Myers	Williams
Burt	Forman	Johnson	Ostalkiewicz	Dyer	Jenne	Rossin	
Casas	Grant	Jones	Rossin	Forman	Jennings	Sullivan	
Childers	Harden	Kirkpatrick	Silver	Nays—12			
				Mr. President	Childers	Hargrett	McKay
				Bankhead	Dantzler	Jones	Ostalkiewicz
				Bronson	Harden	Kirkpatrick	Silver

