



Journal of the Senate

Number 17—Regular Session

Tuesday, April 30, 1996

CALL TO ORDER

The Senate was called to order by the President at 10:00 a.m. A quorum present—35:

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

Excused: Senator Jones until 10:35 a.m.; 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 Dr. Babb Adams, Pastor, First Baptist Church of Inverness, Inverness:

Father, we come into your presence with thanksgiving and into your courts with praise. We are thankful for your countless blessings and for the privilege of prayer.

You have chosen and ordained prayer as the method through which we can tap the reserves of the sweet by and by to meet the needs of the bitter now and now—the means by which we can use the resources of heaven to meet the needs of the earth. It is awe inspiring to know that an eternal God wants to hear from mortal men. By your invitation, we come into your presence to make our petitions known.

Please, O Lord, forgive our sins and take away our transgressions. Remove from our hearts any impurity that may hinder our prayer.

Bless today this Senate, each Senator, and the districts from which they come. May each of them be reminded that they are here because they have the trust of their people and that they are responsible for that trust. Give divine wisdom and guidance equal to the tasks that confront them.

We pray, O God, that you will help us, that our motives will be pure, our attitudes will be right, our actions will be consistent with your will for us and what's best for our state. Help us, we pray, that our integrity will be unimpeachable.

Father, hold us accountable for those things we are capable of doing and do for us those things we are incapable of doing for ourselves.

Bless today, dear Lord, our nation, our state, our Governor, this Senate, and each of us as individuals, making of us what we ought to be in spite of ourselves.

Guide our steps, forgive our sins, and heal our land giving us a great day. For Christ's sake. Amen.

PLEDGE

Senate Pages, Heather O'Dell of Merritt Island and Tim Taylor of Tampa, led the Senate in the pledge of allegiance to the flag of the United States of America.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Jennings, by two-thirds vote **CS for SB 652**, **CS for SB 2482** and **CS for SB 2968** were withdrawn from the Committee on Commerce and Economic Opportunities; **SB 860** was withdrawn from the Committee on Transportation; **CS for SB 918** and **CS for SB 2552** were withdrawn from the Committee on Community Affairs; **CS for SB 950** was withdrawn from the Committee on Rules and Calendar; **CS for SB 1998** was withdrawn from the Committee on Regulated Industries; **CS for SB 2376** was withdrawn from the Committee on Natural Resources; **SB 2582** was withdrawn from the Committee on Criminal Justice; and **SB 2782** was withdrawn from the Committee on Education.

SPECIAL ORDER CALENDAR

Consideration of **HB 403**, **SB 3126** and **SB 1290** was deferred.

CS for SB 330—A bill to be entitled An act relating to taxation; amending s. 196.199, F.S.; providing that property owned by port authorities and leasehold interests in such property are exempt from ad valorem taxes to the extent that county property is immune from such taxes; amending s. 206.01, F.S.; revising definitions and defining the term "blender"; amending s. 206.02, F.S.; providing for blenders' licenses; providing fees; revising license application requirements; providing for temporary licenses; amending ss. 206.022 and 206.095, F.S.; providing for application of licensing and reporting requirements to terminal operators; amending s. 206.9925, F.S., relating to a definition of the term "storage facility," to conform; amending s. 206.404, F.S.; removing provisions relating to temporary licenses for retailers; amending s. 206.41, F.S.; revising provisions relating to the application of state taxes on motor fuel and exemptions therefrom; amending s. 206.46, F.S., and repealing s. 50, ch. 95-417, Laws of Florida, correcting references to the Gas Tax Collection Trust Fund; revising the amount distributed to the Right-of-Way Acquisition and Bridge Construction Trust Fund from the State Transportation Trust Fund; amending ss. 206.43, 206.48, F.S.; requiring blenders to make certain reports; revising certain reporting requirements; amending s. 206.59, F.S.; revising provisions relating to powers of the Department of Revenue; exempting discrepancies due to normal temperature gains from application of taxes; amending s. 206.86, F.S.; revising a definition; amending s. 206.873, F.S.; specifying that backup tax applies to motor fuel; amending s. 206.874, F.S., relating to exemptions; revising provisions relating to application of backup tax and allowed uses of dyed diesel fuel; specifying that diesel fuel in the fuel tanks of a motor vehicle used to propel the vehicle into this state and certain diesel fuel supplied by a vehicle manufacturer is exempt from the tax on diesel fuel; amending s. 206.8745, F.S.; providing for a refund for certain diesel fuel consumed by a power takeoff or engine exhaust; amending s. 206.89, F.S.; providing for a wholesaler of alternative fuel license; providing requirements with respect thereto, including application of penalties, bonding, and fees; amending s. 206.92, F.S.; providing for cancellation of registrant's license; amending ss. 206.9815, 206.9825, F.S.; defining the terms "kerosene" and "aviation gasoline" and providing requirements for application of the aviation fuel tax thereto; providing for exemptions and refunds; providing for application of backup tax; amending s. 206.9915, F.S.; specifying additional provisions applicable to pt. IV of ch. 206, F.S., relating to tax on fuel and other pollutants; amending s. 212.08, F.S.; specifying the motor and diesel fuels that are exempt from sales and use tax; providing for application of the tax to certain fuels used in interstate or foreign commerce; amending s. 320.20, F.S.; providing for additional funding of the Florida Seaport Transportation and Economic Development Program; specifying the use of the funds; granting ports municipal and county authority as provided in s.



163.01(7)(d), F.S., the Florida Interlocal Cooperation Act of 1969; amending ss. 336.021, 336.025, F.S., relating to the ninth-cent fuel tax and the local option tax for county transportation systems; removing provisions relating to an allowance for services and expenses; revising provisions relating to a distribution formula; amending s. 337.276, F.S.; deleting restrictions on expenditures of certain bond proceeds; amending s. 115, ch. 95-417, Laws of Florida; removing the repeal of s. 6, ch. 94-146, Laws of Florida; repealing s. 962, ch. 95-148, Laws of Florida, which provides a future amendment to text removed by ch. 95-417, Laws of Florida; providing licensing periods and fees; directing that a reviser's bill be prepared; providing effective dates.

—was read the second time by title. On motion by Senator Williams, by two-thirds vote **CS for SB 330** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34 Nays—None

On motion by Senator McKay, by two-thirds vote **HB 215** was withdrawn from the Committees on Commerce and Economic Opportunities; and Ways and Means.

On motion by Senator McKay—

HB 215—A bill to be entitled An act relating to corporate income tax; amending s. 220.03, F.S.; updating references to the Internal Revenue Code for corporate income tax purposes; providing for retroactive effect; providing an effective date.

—a companion measure, was substituted for **CS for SB 2710** and read the second time by title. On motion by Senator McKay, by two-thirds vote **HB 215** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35 Nays—None

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

HB 1015—A bill to be entitled An act relating to excise tax on documents; amending s. 201.08, F.S.; exempting from tax receipts and other records of credit card, charge card, and debit card transactions; providing a waiver of taxes not collected on certain documents; providing an effective date.

—a companion measure, was substituted for **CS for SB 2564** and by two-thirds vote read the second time by title. On motion by Senator Childers, by two-thirds vote **HB 1015** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35 Nays—None

SB 2890—A bill to be entitled An act relating to state revenue limitations; providing procedures and requirements to implement the limitation on state revenues imposed by s. 1(e), Art. VII of the State Constitution; providing definitions; providing for calculation of the maximum amount of state revenue allowed; providing for adjustment of that amount; providing duties of the Comptroller, the Governor, the Division of Bond Finance of the State Board of Administration, and state governmental entities; specifying actions to be taken when revenue collections exceed the limitation; providing an appropriation to the Budget Stabilization Fund if action is not taken; providing for refunds to taxpayers under certain conditions; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 2, lines 15-17, delete those lines and insert:

6. Contracts and grants from the Federal Government and other private and governmental entities to state governmental entities.

On motion by Senator McKay, further consideration of **SB 2890** with pending **Amendment 1** was deferred.

Consideration of **CS for SB 434** and **CS for SB 494** was deferred.

SB 630—A bill to be entitled An act relating to shoplifting; amending s. 812.015, F.S.; providing a definition; authorizing certain persons to take into custody for certain purposes another person who unlawfully possesses, uses, or attempts to use an antishoplifting or inventory control device countermeasure; authorizing law enforcement officers to make an arrest for such possession, use, or attempted use; making unlawful the possession, use, or attempted use of an antishoplifting or inventory control device countermeasure under certain circumstances; providing penalties; providing an effective date.

—was read the second time by title.

An amendment was considered to conform **SB 630** to **HB 813**.

Pending further consideration of **SB 630** as amended, on motion by Senator Crist, by two-thirds vote **HB 813** was withdrawn from the Committees on Criminal Justice; and Ways and Means.

On motion by Senator Crist—

HB 813—A bill to be entitled An act relating to shoplifting; amending s. 812.015, F.S.; providing a definition; authorizing certain persons to take into custody for certain purposes another person who unlawfully uses or attempts to use an antishoplifting or inventory control device countermeasure; authorizing law enforcement officers to make an arrest for such possession, use, or attempted use; making unlawful the possession, use, or attempted use of an antishoplifting or inventory control device countermeasure under certain circumstances; providing penalties; providing an effective date.

—a companion measure, was substituted for **SB 630** and read the second time by title.

Senator Crist moved the following amendments which were adopted:

Amendment 1—On page 2, lines 1-10, delete those lines and insert:

(3)(a) A law enforcement officer, a merchant, ~~a merchant's employee,~~ or a farmer who has probable cause to believe that a retail theft, ~~or farm theft, or unlawful use or attempted use of any antishoplifting or inventory control device countermeasure,~~ has been committed by a person and that ~~he can recover~~ the property *can be recovered* by taking the offender ~~person~~ into custody may, for the purpose of attempting to effect such recovery or for prosecution, take the offender ~~person~~ into custody and detain the offender ~~him~~ in a reasonable manner for a

Amendment 2—On page 2, line 17, delete that line and insert:

(4) Any law enforcement officer may arrest, either on

Amendment 3—On page 2, line 25, delete that line and insert:

(7) *It is unlawful to possess, or use or attempt to use*

On motion by Senator Crist, by two-thirds vote **HB 813** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35 Nays—None

Consideration of **CS for SB 1280** and **CS for CS for SB 16** was deferred.

SB 590—A bill to be entitled An act relating to health care facilities; amending s. 395.1055, F.S.; requiring the Agency for Health Care Administration to adopt rules to assure that following a disaster, licensed facilities are capable of serving as shelters only for patients, staff, and the families of staff; providing for applicability; providing for a report by the agency to the Governor and Legislature; providing an effective date.

— was read the second time by title.

Senator Brown-Waite moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 1, lines 27-31, delete those lines and insert:

Section 2. The Agency for Health Care Administration shall work with persons affected by section 1 of this act and report to the Governor and Legislature by March 1, 1997, its recommendations for cost-effective renovation standards to be applied to existing facilities.

Section 3. Paragraphs (b), (d), and (e) of subsection (2) and subsections (6) and (7) of section 20.42, Florida Statutes, are amended to read:

20.42 Agency for Health Care Administration.—There is created the Agency for Health Care Administration within the Department of Business and Professional Regulation. The agency shall be a separate budget entity, and the director of the agency shall be the agency head for all purposes. The agency shall not be subject to control, supervision, or direction by the Department of Business and Professional Regulation in any manner, including, but not limited to, personnel, purchasing, transactions involving real or personal property, and budgetary matters.

(2) ORGANIZATION OF THE AGENCY.—The agency shall be organized as follows:

(b) The Division of Health Policy and Cost Control, which shall be responsible for health policy, the State Center for Health Statistics, the development of The Florida Health Plan, certificate of need, ~~hospital budget review~~, state and local health planning under s. 408.033, and research and analysis.

~~(d) The Health Care Board, which shall be responsible for hospital budget review, nursing home financial analysis, and special studies as assigned by the secretary or the Legislature.~~

(d)(e) The Division of Administrative Services, which shall be responsible for revenue management, budget, personnel, and general services.

~~(6) HEALTH CARE BOARD.—The Health Care Board shall be composed of 11 members appointed by the Governor, subject to confirmation by the Senate. The members of the board shall biennially elect a chairperson and a vice chairperson from its membership. The board shall be responsible for hospital budget review, nursing home financial review and analysis, and special studies requested by the Governor, the Legislature, or the director.~~

(6)(7) DEPUTY DIRECTOR OF ADMINISTRATIVE SERVICES.—The director shall appoint a Deputy Director of Administrative Services who shall serve at the pleasure of, and be directly responsible to, the director. The deputy director shall be responsible for the Division of Administrative Services.

Section 4. Section 112.153, Florida Statutes, is amended to read:

112.153 Local governmental group insurance plans; refunds with respect to overcharges by providers.—A participant in a group insurance plan offered by a county, municipality, school board, local governmental unit, and special taxing unit, who discovers that he or she was overcharged by a hospital, physician, clinical lab, and other health care providers, shall receive a refund of 50 percent of any amount recovered as a result of such overcharge, up to a maximum of \$1,000 per admission. All such instances of overcharge shall be reported to the ~~Agency for Health Care Administration Health Care Cost Containment Board~~ for action it deems appropriate.

Section 5. Subsections (1), (4), and (8) of section 154.304, Florida Statutes, are amended to read:

154.304 Definitions.—For the purpose of this act:

(1) “Agency” means the Agency for Health Care Administration ~~“Board” means the Health Care Board as established in chapter 408.~~

(4) “Charity care obligation” means the minimum amount of uncompensated charity care as reported to the ~~agency Health Care Cost Containment Board~~, based on the hospital’s most recent audited actual

experience, which must be provided by a participating hospital or a regional referral hospital before the hospital is eligible to be reimbursed by a county under the provisions of this act. That amount shall be the ratio of uncompensated charity care days compared to total acute care inpatient days, which shall be equal to or greater than 2 percent.

(8) “Participating hospital” means a hospital which is eligible to receive reimbursement under the provisions of this act because it has been certified by the ~~agency board~~ as having met its charity care obligation and has either:

(a) A formal signed agreement with a county or counties to treat such county’s indigent patients; or

(b) Demonstrated to the ~~agency board~~ that at least 2.5 percent of its uncompensated charity care, as reported to the board, is generated by out-of-county residents.

Section 6. Paragraph (d) of subsection (4) and paragraph (c) of subsection (6) of section 212.055, Florida Statutes, are amended to read:

212.055 Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.—It is the legislative intent that any authorization for imposition of a discretionary sales surtax shall be published in the Florida Statutes as a subsection of this section, irrespective of the duration of the levy. Each enactment shall specify the types of counties authorized to levy; the rate or rates which may be imposed; the maximum length of time the surtax may be imposed, if any; the procedure which must be followed to secure voter approval, if required; the purpose for which the proceeds may be expended; and such other requirements as the Legislature may provide. Taxable transactions and administrative procedures shall be as provided in s. 212.054.

(4) INDIGENT CARE SURTAX.—

(d) The ordinance adopted by the governing body providing for the imposition of the surtax shall set forth a plan for providing health care services to qualified residents, as defined in paragraph (e). Such plan and subsequent amendments to it shall fund a broad range of health care services for both indigent persons and the medically poor, including, but not limited to, primary care and preventive care as well as hospital care. It shall emphasize a continuity of care in the most cost-effective setting, taking into consideration both a high quality of care and geographic access. Where consistent with these objectives, it shall include, without limitation, services rendered by physicians, clinics, community hospitals, mental health centers, and alternative delivery sites, as well as at least one regional referral hospital where appropriate. It shall provide that agreements negotiated between the county and providers will include reimbursement methodologies that take into account the cost of services rendered to eligible patients, recognize hospitals that render a disproportionate share of indigent care, provide other incentives to promote the delivery of charity care, and require cost containment including, but not limited to, case management. It must also provide that any hospitals that are owned and operated by government entities on May 21, 1991, must, as a condition of receiving funds under this subsection, afford public access equal to that provided under s. 286.011 as to meetings of the governing board, the subject of which is budgeting resources for the rendition of charity care as that term is defined in the rules of the ~~Agency for Health Care Administration Health Care Cost Containment Board~~. The plan ~~must~~ ~~shall~~ also include innovative health care programs that provide cost-effective alternatives to traditional methods of service delivery and funding.

(6) SMALL COUNTY INDIGENT CARE SURTAX.—

(c) The ordinance adopted by the governing body providing for the imposition of the surtax shall set forth a brief plan for providing health care services to qualified residents, as defined in paragraph (d). Such plan and subsequent amendments to it shall fund a broad range of health care services for both indigent persons and the medically poor, including, but not limited to, primary care and preventive care as well as hospital care. It shall emphasize a continuity of care in the most cost-effective setting, taking into consideration both a high quality of care and geographic access. Where consistent with these objectives, it shall include, without limitation, services rendered by physicians, clinics, community hospitals, mental health centers, and alternative delivery sites, as well as at least one regional referral hospital where appropriate. It shall provide that agreements negotiated between the county and

providers will include reimbursement methodologies that take into account the cost of services rendered to eligible patients, recognize hospitals that render a disproportionate share of indigent care, provide other incentives to promote the delivery of charity care, and require cost containment including, but not limited to, case management. It shall also provide that any hospitals that are owned and operated by government entities on May 21, 1991, must, as a condition of receiving funds under this subsection, afford public access equal to that provided under s. 286.011 as to meetings of the governing board, the subject of which is budgeting resources for the rendition of charity care as that term is defined in the rules of the *Agency for Health Care Administration Health Care Cost Containment Board*. The plan ~~must~~ shall also include innovative health care programs that provide cost-effective alternatives to traditional methods of service delivery and funding.

Section 7. Subsections (2) and (3) of section 394.4788, Florida Statutes, are amended to read:

394.4788 Use of certain PMATF funds for the purchase of acute care mental health services.—

(2) ~~By October 1, 1989, and annually thereafter, The Agency for Health Care Administration HCCB shall annually calculate a per diem reimbursement rate for each specialty psychiatric hospital to be paid to the specialty psychiatric hospitals for the provision of acute mental health services provided to indigent mentally ill patients who meet the criteria in subsection (1). After the first rate period, providers shall be notified of new reimbursement rates for each new state fiscal year by June 1. The new reimbursement rates shall commence July 1.~~

(3) Reimbursement rates shall be calculated using the most recent audited actual costs received by the *Agency for Health Care Administration Health Care Cost Containment Board*. Cost data received ~~as of August 15, 1989, and each April 15 thereafter~~ shall be used in the calculation of the rates. Historic costs shall be inflated from the midpoint of a hospital's fiscal year to the midpoint of the state fiscal year. The inflation adjustment shall be made utilizing the latest available projections as of March 31 for the Data Resources Incorporated National and Regional Hospital Input Price Indices as calculated by the Medicaid program office.

Section 8. Paragraphs (a) and (b) of subsection (1) of section 395.401, Florida Statutes, are amended to read:

395.401 Trauma services system plans; verification of trauma centers and pediatric trauma referral centers; procedures; renewal.—

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

(a) "*Agency*" means the *Agency for Health Care Administration Board* means the *Health Care Board*.

(b) "Charity care" or "uncompensated charity care" means that portion of hospital charges reported to the *agency board* for which there is no compensation for care provided to a patient whose family income for the 12 months preceding the determination is less than or equal to 150 percent of the federal poverty level, unless the amount of hospital charges due from the patient exceeds 25 percent of the annual family income. However, in no case shall the hospital charges for a patient whose family income exceeds 4 times the federal poverty level for a family of four be considered charity.

Section 9. Subsections (1), (2), (3), and (4) of section 395.701, Florida Statutes, are amended to read:

395.701 Annual assessments on net operating revenues to fund public medical assistance; administrative fines for failure to pay assessments when due.—

(1) For the purposes of this section, the term:

(a) "*Agency*" means the *Agency for Health Care Administration*.

(b)(a) "Gross operating revenue" or "gross revenue" means the sum of daily hospital service charges, ambulatory service charges, ancillary service charges, and other operating revenue.

(b) "*Health Care Board*" or "*board*" means the *Health Care Board* created by s. 20.42.

(c) "Hospital" means a health care institution as defined in s. 395.002(12), but does not include any hospital operated by the agency or the Department of Corrections.

(d) "Net operating revenue" or "net revenue" means gross revenue less deductions from revenue.

(e) "Total deductions from gross revenue" or "deductions from revenue" means reductions from gross revenue resulting from inability to collect payment of charges. Such reductions include bad debts; contractual adjustments; uncompensated care; administrative, courtesy, and policy discounts and adjustments; and other such revenue deductions, but also includes the offset of restricted donations and grants for indigent care.

(2) There is hereby imposed upon each hospital an assessment in an amount equal to 1.5 percent of the annual net operating revenue for each hospital, such revenue to be determined by the *agency department*, based on the actual experience of the hospital as reported to the *agency department*. Within 6 months after the end of each hospital fiscal year, the *agency department* shall certify the amount of the assessment for each hospital. The assessment shall be payable to and collected by the *agency department* in equal quarterly amounts, on or before the first day of each calendar quarter, beginning with the first full calendar quarter that occurs after the *agency department* certifies the amount of the assessment for each hospital. All moneys collected pursuant to this subsection shall be deposited into the Public Medical Assistance Trust Fund.

(3) The *agency department* shall impose an administrative fine, not to exceed \$500 per day, for failure of any hospital to pay its assessment by the first day of the calendar quarter on which it is due. The failure of a hospital to pay its assessment within 30 days after the assessment is due is ground for the *agency department* to impose an administrative fine not to exceed \$5,000 per day.

(4) The purchaser, successor, or assignee of a facility subject to the *agency's board's* jurisdiction shall assume full liability for any assessments, fines, or penalties of the facility or its employees, regardless of when identified. Such assessments, fines, or penalties shall be paid by the employee, owner, or licensee who incurred them, within 15 days of the sale, transfer, or assignment. However, the purchaser, successor, or assignee of the facility may withhold such assessments, fines, or penalties from purchase moneys or payment due to the seller, transferor, or employee, and shall make such payment on behalf of the seller, transferor, or employee. Any employer, purchaser, successor, or assignee who fails to withhold sufficient funds to pay assessments, fines, or penalties arising under the provisions of chapter 408 shall make such payments within 15 days of the date of the transfer, purchase, or assignment. Failure by the transferee to make payments as provided in this subsection shall subject such transferee to the penalties and assessments provided in chapter 408. Further, in the event of sale, transfer, or assignment of any facility under the *agency's board's* jurisdiction, future assessments shall be based upon the most recently available prior year report or audited actual experience for the facility. It shall be the responsibility of the new owner or licensee to require the production of the audited financial data for the period of operation of the prior owner. If the transferee fails to obtain current audited financial data from the previous owner or licensee, the new owner shall be assessed based upon the most recent year of operation for which 12 months of audited actual experience are available or upon a reasonable estimate of 12 months of full operation as calculated by the *agency board*.

Section 10. Subsection (3) of section 395.806, Florida Statutes, is amended to read:

395.806 Designation of family practice teaching hospitals.—

(3) The agency shall create a separate review category for family practice teaching hospitals for the purpose of review by the *agency Health Care Board*.

Section 11. Subsection (2) of section 408.033, Florida Statutes, is amended to read:

408.033 Local and state health planning.—

(2) STATEWIDE HEALTH COUNCIL.—The Statewide Health Council is hereby established as a state-level comprehensive health

planning and policy advisory board. For administrative purposes, the council shall be located within the agency. The Statewide Health Council shall be composed of: the State Health Officer; the Deputy Director for Health Policy and Cost Control and the Deputy Director for Health Quality Assurance of the *agency department*; ~~the director of the Health Care Board~~; the Insurance Commissioner or his designee; the Vice Chancellor for Health Affairs of the Board of Regents; three chairmen of regional planning councils, selected by the regional planning councils; five chairmen of local health councils, selected by the local health councils; four members appointed by the Governor, one of whom is a consumer over 60 years of age, one of whom is a representative of organized labor, one of whom is a physician, and one of whom represents the nursing home industry; five members appointed by the President of the Senate, one of whom is a representative of the insurance industry in this state, one of whom is the chief executive officer of a business with more than 300 employees in this state, one of whom represents the hospital industry, one of whom is a primary care physician, and one of whom is a nurse, and five members appointed by the Speaker of the House of Representatives, one of whom is a consumer who represents a minority group in this state, one of whom represents the home health care industry in this state, one of whom is an allied health care professional, one of whom is the chief executive officer of a business with fewer than 25 employees in this state, and one of whom represents a county social services program that provides health care services to the indigent. Appointed members of the council shall serve for 2-year terms commencing October 1 of each even-numbered year. The council shall elect a president from among the members who are not state employees. The Statewide Health Council shall:

(a) Advise the Governor, the Legislature, and the *agency department* on state health policy issues, state and local health planning activities, and state health regulation programs;

(b) Prepare a state health plan that specifies subgoals, quantifiable objectives, strategies, and resource requirements to implement the goals and policies of the health element of the State Comprehensive Plan. The plan must assess the health status of residents of this state; evaluate the adequacy, accessibility, and affordability of health services and facilities; assess government-financed programs and private health care insurance coverages; and address other topical local and state health care issues. Within 2 years after the health element of the State Comprehensive Plan is amended, and by July 1 of every 3rd year, if it is not amended, the Statewide Health Council shall submit the state health plan to the Executive Office of the Governor, the *director of the agency secretary of the department*, the President of the Senate, and the Speaker of the House of Representatives;

(c) Promote public awareness of state health care issues and, in conjunction with the local health councils, conduct public forums throughout the state to solicit the comments and advice of the public on the adequacy, accessibility, and affordability of health care services in this state and other health care issues;

(d) Consult with local health councils, the Department of Insurance, the Department of Health and Rehabilitative Services, and other appropriate public and private entities, including health care industry representatives regarding the development of health policies;

(e) Serve as a forum for the discussion of local health planning issues of concern to the local health councils and regional planning councils;

(f) Review district health plans for consistency with the State Comprehensive Plan and the state health plan;

(g) Review the health components of agency functional plans for consistency with the health element of the State Comprehensive Plan, advise the Executive Office of the Governor regarding inconsistencies, and recommend revisions to agency functional plans to make them consistent with the State Comprehensive Plan;

(h) Review any strategic regional plans that address health issues for consistency with the health element of the State Comprehensive Plan, advise the Executive Office of the Governor regarding inconsistencies, and recommend revisions to strategic regional policy plans to make them consistent with the State Comprehensive Plan;

(i) Assist the Department of Community Affairs in the review of local government comprehensive plans to ensure consistency with policy developed in the district health plans;

(j) With the assistance of the local health councils, conduct public forums and use other means to determine the opinions of health care consumers, providers, payors, and insurers regarding the state's health care goals and policies and develop suggested revisions to the health element of the State Comprehensive Plan. The council shall submit the proposed revisions to the health element of the State Comprehensive Plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives by February 1, 1993, and shall widely circulate the proposed revisions to affected parties. The council shall periodically assess the progress made in achieving the goals and policies contained in the health element of the State Comprehensive Plan and report to the *agency department*, the Governor, the President of the Senate, and the Speaker of the House of Representatives; and

(k) Conduct any other functions or studies and analyses falling under the duties listed above.

Section 12. Subsection (1), paragraphs (e) and (f) of subsection (3), subsection (6), and paragraphs (c) and (d) of subsection (7) of section 408.05, Florida Statutes, are amended to read:

408.05 State Center for Health Statistics.—

(1) ESTABLISHMENT.—The *agency department* shall establish a State Center for Health Statistics. The center shall establish a comprehensive health information system to provide for the collection, compilation, coordination, analysis, indexing, dissemination, and utilization of both purposefully collected and extant health-related data and statistics. The center shall be staffed with public health experts, biostatisticians, information system analysts, health policy experts, economists, and other staff necessary to carry out its functions.

(3) COMPREHENSIVE HEALTH INFORMATION SYSTEM.—In order to produce comparable and uniform health information and statistics, the agency shall perform the following functions:

(e) The *agency department* shall establish by rule the types of data collected, compiled, processed, used, or shared. Decisions regarding center data sets should be made based on consultation with the Comprehensive Health Information System Advisory Council and other public and private users regarding the types of data which should be collected and their uses.

(f) The center shall establish standardized means for collecting health information and statistics under laws and rules administered by the *agency department*.

(6) PROVIDER DATA REPORTING.—This section does not confer on the *agency department* the power to demand or require that a health care provider or professional furnish information, records of interviews, written reports, statements, notes, memoranda, or data other than as expressly required by law.

(7) BUDGET; FEES; TRUST FUND.—

(c) The center may charge such reasonable fees for services as the *agency department* prescribes by rule. The established fees may ~~shall~~ not exceed the reasonable cost for such services. Fees collected may not be used to offset annual appropriations from the General Revenue Fund.

(d) The *agency department* shall establish a Comprehensive Health Information System Trust Fund as the repository of all funds appropriated to, and fees and grants collected for, services of the State Center for Health Statistics. Any funds, other than funds appropriated to the center from the General Revenue Fund, which are raised or collected by the *agency department* for the operation of the center and which are not needed to meet the expenses of the center for its current fiscal year shall be available to the *agency board* in succeeding years.

Section 13. Subsections (10) and (11) of section 408.061, Florida Statutes, are amended to read:

408.061 Data collection; uniform systems of financial reporting; information relating to physician charges; confidentiality of patient records; immunity.—

(10) No health care facility, health care provider, health insurer, or other reporting entity or its employees or agents shall be held liable for civil damages or subject to criminal penalties either for the reporting of

patient data to the *agency board* or for the release of such data by the *agency board* as authorized by this chapter.

(11) The agency shall be the primary source for collection and dissemination of health care data. No other agency of state government may gather data from a health care provider licensed or regulated under this chapter without first determining if the data is currently being collected by the agency and affirmatively demonstrating that it would be more cost-effective for an agency of state government other than the agency to gather the health care data. The ~~director~~ *secretary* shall ensure that health care data collected by the divisions within the agency is coordinated. It is the express intent of the Legislature that all health care data be collected by a single source within the agency and that other divisions within the agency, and all other agencies of state government, obtain data for analysis, regulation, and public dissemination purposes from that single source. Confidential information may be released to other governmental entities or to parties contracting with the agency to perform agency duties or functions as needed in connection with the performance of the duties of the receiving entity. The receiving entity or party shall retain the confidentiality of such information as provided for herein.

Section 14. Subsections (2) and (5) of section 408.062, Florida Statutes, are amended to read:

408.062 Research, analyses, studies, and reports.—

(2) The *agency board* shall evaluate data from nursing home financial reports and shall document and monitor:

(a) Total revenues, annual change in revenues, and revenues by source and classification, including contributions for a resident's care from the resident's resources and from the family and contributions not directed toward any specific resident's care.

(b) Average resident charges by geographic region, payor, and type of facility ownership.

(c) Profit margins by geographic region and type of facility ownership.

(d) Amount of charity care provided by geographic region and type of facility ownership.

(e) Resident days by payor category.

(f) Experience related to Medicaid conversion as reported under s. 408.061.

(g) Other information pertaining to nursing home revenues and expenditures.

The findings of the *agency board* shall be included in an annual report to the Governor and Legislature by January 1 each year.

(5)(a) *The agency is empowered to conduct data-based studies and evaluations and to make recommendations to the Legislature and the Governor concerning exemptions, the effectiveness of limitations of referrals, restrictions on investment interests and compensation arrangements, and the effectiveness of public disclosure. Such analysis may include, but need not be limited to, utilization of services, cost of care, quality of care, and access to care. The agency may require the submission of data necessary to carry out this duty, which may include, but need not be limited to, data concerning ownership, Medicare and Medicaid, charity care, types of services offered to patients, revenues and expenses, patient-encounter data, and other data reasonably necessary to study utilization patterns and the impact of health-care-provider ownership interests in health-care-related entities on the cost, quality, and accessibility of health care.*

(b) *The agency may collect such data from any health facility as a special study. The board is directed to research hospital financial and nonfinancial data in order to determine the need for establishing a category of inpatient hospital patients defined as medically indigent. For purposes of this section, a medically indigent patient is an individual who is admitted as an inpatient to a hospital, who is not classified as a Medicare beneficiary, a Medicaid recipient, or a charity care patient, but who has insufficient financial resources to pay for needed medical care. In its determination of the need for establishing a category of medically*

~~indigent patients, the board shall consider the creation of income and asset levels that would establish a person as medically indigent. The board shall submit a report and recommendations to the Governor and the Legislature on the establishment of a category of medically indigent inpatient hospital patients on or before January 1, 1994. If the board recommends the establishment of a category of medically indigent patients, it shall provide a specific recommendation for the eligibility determination process to be used in classifying a patient as medically indigent.~~

Section 15. Subsection (1) of section 408.063, Florida Statutes, is amended to read:

408.063 Dissemination of health care information.—

(1) The agency, relying on data collected pursuant to this chapter, shall establish a reliable, timely, and consistent information system which distributes information and serves as the basis for the *agency's board's* public education programs. The agency shall seek advice from consumers, health care purchasers, health care providers, health care facilities, health insurers, and local health councils in the development and implementation of its information system. Whenever appropriate, the agency shall use the local health councils for the dissemination of information and education of the public.

Section 16. Section 408.07, Florida Statutes, is amended to read:

408.07 Definitions.—As used in this chapter, with the exception of ss. 408.031-408.045, the term:

(1) "Accepted" means that the *agency board* has found that a report or data submitted by a health care facility or a health care provider contains all schedules and data required by the *agency board* and has been prepared in the format specified by the *agency board*, and otherwise conforms to applicable rule or Florida Hospital Uniform Reporting System manual requirements regarding reports in effect at the time such report was submitted, and the data are mathematically reasonable and accurate.

(2) "Adjusted admission" means the sum of acute and intensive care admissions divided by the ratio of inpatient revenues generated from acute, intensive, ambulatory, and ancillary patient services to gross revenues. If a hospital reports only subacute admissions, then "adjusted admission" means the sum of subacute admissions divided by the ratio of total inpatient revenues to gross revenues.

(3) "Agency" means the Agency for Health Care Administration.

(4) "Alcohol or chemical dependency treatment center" means an organization licensed under chapter 397.

(5) "Ambulatory care center" means an organization which employs or contracts with licensed health care professionals to provide diagnosis or treatment services predominantly on a walk-in basis and the organization holds itself out as providing care on a walk-in basis. Such an organization is not an ambulatory care center if it is wholly owned and operated by five or fewer health care providers.

(6) "Ambulatory surgical center" means a facility licensed as an ambulatory surgical center under chapter 395.

(7) ~~"Applicable rate of increase" means the maximum allowable rate of increase (MARI) when applied to gross revenue per adjusted admission (GRAA) is less than the maximum allowable rate of increase, unless the board has approved a different rate of increase, in which case the board approved rate of increase shall apply.~~

(7)(8) "Audited actual data" means information contained within financial statements examined by an independent, Florida-licensed, certified public accountant in accordance with generally accepted auditing standards, but does not include data within a financial statement about which the certified public accountant does not express an opinion or issues a disclaimer.

(9) "Banked points" means the percentage points earned by a hospital when the actual rate of increase in gross revenue per adjusted admission (GRAA) is less than the maximum allowable rate of increase (MARI) or the actual rate of increase in the net revenue per adjusted admission (NRAA) is less than the market basket index.

(8)(10) "Birth center" means an organization licensed under s. 383.305.

(11) ~~"Board" means the Health Care Board established under s. 408.003.~~

(12) ~~"Budget" means the projections by the hospital, for a specified future time period, of expenditures and revenues, with supporting statistical indicators, or a budget letter verified by the board pursuant to s. 408.072(3)(a).~~

(9)(13) "Cardiac catheterization laboratory" means a freestanding facility ~~that~~ which employs or contracts with licensed health care professionals to provide diagnostic or therapeutic services for cardiac conditions such as cardiac catheterization or balloon angioplasty.

(10)(14) "Case mix" means a calculated index for each health care facility or health care provider, based on patient data, reflecting the relative costliness of the mix of cases to that facility or provider compared to a state or national mix of cases.

(11)(15) "Clinical laboratory" means a facility licensed under s. 483.091, excluding: any hospital laboratory defined under s. 483.041(5); any clinical laboratory operated by the state or a political subdivision of the state; any blood or tissue bank where the majority of revenues are received from the sale of blood or tissue and where blood, plasma, or tissue is procured from volunteer donors and donated, processed, stored, or distributed on a nonprofit basis; and any clinical laboratory which is wholly owned and operated by physicians who are licensed pursuant to chapter 458 or chapter 459 and who practice in the same group practice, and at which no clinical laboratory work is performed for patients referred by any health care provider who is not a member of that same group practice.

(12)(16) "Comprehensive rehabilitative hospital" or "rehabilitative hospital" means a hospital licensed by the Agency for Health Care Administration as a specialty hospital as defined in s. 395.002; provided that the hospital provides a program of comprehensive medical rehabilitative services and is designed, equipped, organized, and operated solely to deliver comprehensive medical rehabilitative services, and further provided that all licensed beds in the hospital are classified as "comprehensive rehabilitative beds" pursuant to s. 395.003(4), and are not classified as "general beds."

(13)(17) "Consumer" means any person other than a person who administers health activities, is a member of the governing body of a health care facility, provides health services, has a fiduciary interest in a health facility or other health agency or its affiliated entities, or has a material financial interest in the rendering of health services.

(14)(18) "Continuing care facility" means a facility licensed under chapter 651.

(15)(19) "Cross-subsidization" means that the revenues from one type of hospital service are sufficiently higher than the costs of providing such service as to offset some of the costs of providing another type of service in the hospital. Cross-subsidization results from the lack of a direct relationship between charges and the costs of providing a particular hospital service or type of service.

(16)(20) "Deductions from gross revenue" or "deductions from revenue" means reductions from gross revenue resulting from inability to collect payment of charges. For hospitals, such reductions include contractual adjustments; uncompensated care; administrative, courtesy, and policy discounts and adjustments; and other such revenue deductions, but also includes the offset of restricted donations and grants for indigent care.

(17)(21) "Diagnostic-imaging center" means a freestanding outpatient facility that provides specialized services for the diagnosis of a disease by examination and also provides radiological services. Such a facility is not a diagnostic-imaging center if it is wholly owned and operated by physicians who are licensed pursuant to chapter 458 or chapter 459 and who practice in the same group practice and no diagnostic-imaging work is performed at such facility for patients referred by any health care provider who is not a member of that same group practice.

(18)(22) "FHURS" means the Florida Hospital Uniform Reporting System developed by the ~~agency board~~.

(19)(23) "Freestanding" means that a health facility bills and receives revenue which is not directly subject to the hospital assessment for the Public Medical Assistance Trust Fund as described in s. 395.701.

(20)(24) "Freestanding radiation therapy center" means a facility where treatment is provided through the use of radiation therapy machines that are registered under s. 404.22 and the provisions of the Florida Administrative Code implementing s. 404.22. Such a facility is not a freestanding radiation therapy center if it is wholly owned and operated by physicians licensed pursuant to chapter 458 or chapter 459 who practice within the specialty of diagnostic or therapeutic radiology.

(21)(25) "GRAA" means gross revenue per adjusted admission.

(22)(26) "Gross revenue" means the sum of daily hospital service charges, ambulatory service charges, ancillary service charges, and other operating revenue. Gross revenues do not include contributions, donations, legacies, or bequests made to a hospital without restriction by the donors.

(23)(27) "Health care facility" means an ambulatory surgical center, a hospice, a nursing home, a hospital, a diagnostic-imaging center, a freestanding or hospital-based therapy center, a clinical laboratory, a home health agency, a cardiac catheterization laboratory, a medical equipment supplier, an alcohol or chemical dependency treatment center, a physical rehabilitation center, a lithotripsy center, an ambulatory care center, a birth center, or a nursing home component licensed under chapter 400 within a continuing care facility licensed under chapter 651.

(24)(28) "Health care provider" means a health care professional licensed under chapter 458, chapter 459, chapter 460, chapter 461, chapter 463, chapter 464, chapter 465, chapter 466, part I, part III, part IV, part V, or part X of chapter 468, chapter 483, chapter 484, chapter 486, chapter 490, or chapter 491.

(25)(29) "Health care purchaser" means an employer in the state, other than a health care facility, health insurer, or health care provider, who provides health care coverage for his employees.

(26)(30) "Health insurer" means any insurance company authorized to transact health insurance in the state, any insurance company authorized to transact health insurance or casualty insurance in the state that is offering a minimum premium plan or stop-loss coverage for any person or entity providing health care benefits, any self-insurance plan as defined in s. 624.031, any health maintenance organization authorized to transact business in the state pursuant to part I of chapter 641, any prepaid health clinic authorized to transact business in the state pursuant to part II of chapter 641, any multiple-employer welfare arrangement authorized to transact business in the state pursuant to ss. 624.436-624.45, or any fraternal benefit society providing health benefits to its members as authorized pursuant to chapter 632.

(27)(31) "Home health agency" means an organization licensed under part IV of chapter 400.

(28)(32) "Hospice" means an organization licensed under part VI of chapter 400.

(29)(33) "Hospital" means a health care institution licensed by the Agency for Health Care Administration as a hospital under chapter 395.

(30)(34) "Lithotripsy center" means a freestanding facility ~~that~~ which employs or contracts with licensed health care professionals to provide diagnosis or treatment services using electro-hydraulic shock waves.

(31)(35) "Local health council" means the agency defined in s. 408.033.

(32)(36) "Market basket index" means the Florida hospital input price index (FHIPI), which is a statewide market basket index used to measure inflation in hospital input prices weighted for the Florida-specific experience which uses multistate regional and state-specific price measures, when available. The index shall be constructed in the same manner as the index employed by the Secretary of the United States Department of Health and Human Services for determining the inflation in hospital input prices for purposes of Medicare reimbursement.

(37) ~~“Maximum allowable rate of increase” or “MARI” means the maximum rate at which a hospital is normally expected to increase its average gross revenues per adjusted admission for a given period. The board, using the most recent audited actual data for each hospital, shall calculate the MARI for each hospital as follows: The projected rate of increase in the market basket index shall be divided by a number which is determined by subtracting the sum of one-half of the proportion of Medicare days plus one-half of the proportion of CHAMPUS days plus the proportion of Medicaid days plus 1.5 times the proportion of charity care days from the number one. The formula to be employed by the board to calculate the MARI shall take the following form:~~

$$\text{MARI} = \left(\frac{\text{FHIPI}}{1 - [(Me \times 0.5) + (Cp \times 0.5) + Md + (Ce \times 1.5)]} \right)$$

where:

~~MARI = maximum allowable rate of increase applied to gross revenue.~~

~~FHIPI = Florida hospital input price index, which shall be the projected rate of change in the market basket index.~~

~~Me = proportion of Medicare days, including when available and reported to the board Medicare HMO days, to total days.~~

~~Cp = proportion of Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) days to total days.~~

~~Md = proportion of Medicaid days, including when available and reported to the board Medicaid HMO days, to total days.~~

~~Ce = proportion of charity care days to total days with a 50 percent offset for restricted grants for charity care and unrestricted grants from local governments.~~

(33)(38) ~~“Medical equipment supplier” means an organization that which provides medical equipment and supplies used by health care providers and health care facilities in the diagnosis or treatment of disease.~~

(34)(39) ~~“Net revenue” means gross revenue minus deductions from revenue.~~

(35)(40) ~~“New hospital” means a hospital in its initial year of operation as a licensed hospital and does not include any facility which has been in existence as a licensed hospital, regardless of changes in ownership, for over 1 calendar year.~~

(36)(41) ~~“Nursing home” means a facility licensed under s. 400.062 or, for resident level and financial data collection purposes only, any institution licensed under chapter 395 and which has a Medicare or Medicaid certified distinct part used for skilled nursing home care, but does not include a facility licensed under chapter 651.~~

(37)(42) ~~“Operating expenses” means total expenses excluding income taxes.~~

(38)(43) ~~“Other operating revenue” means all revenue generated from hospital operations other than revenue directly associated with patient care.~~

(39)(44) ~~“Physical rehabilitation center” means an organization that which employs or contracts with health care professionals licensed under part I or part III of chapter 468 or chapter 486 to provide speech, occupational, or physical therapy services on an outpatient or ambulatory basis.~~

(40)(45) ~~“Prospective payment arrangement” means a financial agreement negotiated between a hospital and an insurer, health maintenance organization, preferred provider organization, or other third-party payor which contains, at a minimum, the elements provided for in s. 408.50.~~

(41)(46) ~~“Rate of return” means the financial indicators used to determine or demonstrate reasonableness of the financial requirements of a hospital. Such indicators shall include, but not be limited to: return on assets, return on equity, total margin, and debt service coverage.~~

(42)(47) ~~“Rural hospital” means an acute care hospital licensed under chapter 395, with 85 licensed beds or fewer, which has an emergency room and is located in an area defined as rural by the United States Census, and which is:~~

(a) The sole provider within a county with a population density of no greater than 100 persons per square mile;

(b) An acute care hospital, in a county with a population density of no greater than 100 persons per square mile, which is at least 30 minutes of travel time, on normally traveled roads under normal traffic conditions, from another acute care hospital within the same county; or

(c) A hospital supported by a tax district or subdistrict whose boundaries encompass a population of 100 persons or less per square mile.

(43)(48) ~~“Special study” means a nonrecurring data-gathering and analysis effort designed to aid the Agency for Health Care Administration in meeting its responsibilities pursuant to this chapter.~~

(44)(49) ~~“Teaching hospital” means any hospital formally affiliated with an accredited medical school which that exhibits activity in the area of medical education as reflected by at least seven different resident physician specialties and the presence of 100 or more resident physicians.~~

Section 17. Section 408.08, Florida Statutes, is amended to read:

408.08 Inspections and audits; violations; penalties; fines; enforcement.—

(1) The agency may inspect and audit books and records of individual or corporate ownership, including books and records of related organizations with which a health care provider or a health care facility had transactions, for compliance with this chapter. Upon presentation of a written request for inspection to a health care provider or a health care facility by the agency or its staff, the health care provider or the health care facility shall make available to the agency or its staff for inspection, copying, and review all books and records relevant to the determination of whether the health care provider or the health care facility has complied with this chapter.

(2) ~~The board shall annually compare the audited actual experience of each hospital to the audited actual experience of that hospital for the previous year.~~

(a) ~~For a hospital submitting a budget letter, if the board determines that the audited actual experience of the hospital exceeded its previous year's audited actual experience by more than the maximum allowable rate of increase as certified in the budget letter plus any banked points utilized in the budget letter, the amount of such excess shall be determined by the board and a penalty shall be levied against such hospital pursuant to subsection (3).~~

(b) ~~For a hospital subject to budget review, if the board determines that the audited actual experience of the hospital exceeded its previous year's audited actual experience by more than the most recent approved budget or the most recent approved budget as amended, the amount of such excess shall be determined by the board, and a penalty shall be levied against such hospital pursuant to subsection (3).~~

(c) ~~For a hospital submitting a budget letter and for a hospital subject to budget review, the board shall annually compare each hospital's audited actual experience for net revenues per adjusted admission to the hospital's audited actual experience for net revenues per adjusted admission for the previous year. If the rate of increase in net revenues per adjusted admission between the previous year and the current year was less than the market basket index, the hospital may carry forward the difference and earn up to a cumulative maximum of 3 banked net revenue percentage points. Such banked net revenue percentage points shall be available to the hospital to offset, in any future year, penalties for exceeding the approved budget or the maximum allowable rate of increase as set forth in subsection (3). Nothing in this paragraph shall be used by a hospital to justify the approval of a budget or a budget amendment by the board in excess of the maximum allowable rate of increase pursuant to s. 408.072.~~

(3) ~~Penalties shall be assessed as follows:~~

(a) ~~For the first occurrence within a 5-year period, the board shall prospectively reduce the current budget of the hospital by the amount of the excess up to 5 percent; and, if such excess is greater than 5 percent over the maximum allowable rate of increase, any amount in excess of 5 percent shall be levied by the board as a fine against such hospital to be deposited in the Public Medical Assistance Trust Fund.~~

(b) For the second occurrence with the 5-year period following the first occurrence as set forth in paragraph (a), the board shall prospectively reduce the current budget of the hospital by the amount of the excess up to 2 percent; and, if such excess is greater than 2 percent over the maximum allowable rate of increase, any amount in excess of 2 percent shall be levied by the board as a fine against such hospital to be deposited in the Public Medical Assistance Trust Fund.

(c) For the third occurrence within the 5-year period following the first occurrence as set forth in paragraph (a), the board shall:

1. Levy a fine against the hospital in the total amount of the excess, to be deposited in the Public Medical Assistance Trust Fund.

2. Notify the agency of the violation, whereupon the agency shall not accept any application for a certificate of need pursuant to ss. 408.031-408.045 from or on behalf of such hospital until such time as the hospital has demonstrated to the satisfaction of the board that, following the date the penalty was imposed under subparagraph 1., the hospital has stayed within its projected or amended budget or its applicable maximum allowable rate of increase for a period of at least 1 year. However, this provision does not apply with respect to a certificate of need application filed to satisfy a life or safety code violation.

3. Upon a determination that the hospital knowingly and willfully generated such excess, notify the agency, whereupon the agency shall initiate disciplinary proceedings to deny, modify, suspend, or revoke the license of such hospital or impose an administrative fine on such hospital not to exceed \$20,000.

The determination of the amount of any such excess shall be based upon net revenues per adjusted admission, excluding funds distributed to the hospital from the Public Medical Assistance Trust Fund. However, in making such determination, the board shall appropriately reduce the amount of the excess by the total amount of the assessment paid by such hospital pursuant to s. 395.701 minus the amount of revenues received by the hospital through the Public Medical Assistance Trust Fund. It is the responsibility of the hospital to demonstrate to the satisfaction of the board its entitlement to such reduction. It is the intent of the Legislature that the Health Care Board, in levying any penalty imposed against a hospital for exceeding its maximum allowable rate of increase or its approved budget pursuant to this subsection, consider the effect of changes in the case mix of the hospital and in the hospital's intensity and severity of illness as measured by changes in the hospital's actual proportion of outlier cases to total cases and dollar increases in outlier cases' average charge per case. It is the responsibility of the hospital to demonstrate to the satisfaction of the board any change in its case mix and in its intensity and severity of illness. For psychiatric hospitals and other hospitals not reimbursed under a prospective payment system by the Federal Government, until a proxy for case mix is available, the board shall also reduce the amount of excess by the change in a hospital's audited actual average length of stay without any thresholds or limitations.

(4) The following factors may be used by the board to reduce the amount of excess of the hospital as determined pursuant to this section:

(a) Unforeseen and unforeseeable events which affect the net revenue per adjusted admission and which are beyond the control of the hospital, such as prior year Medicare cost report settlements, retroactive changes in Medicare reimbursement methodology, and increases in malpractice insurance premiums, which occurred in the last 3 months of the hospital fiscal year during which the hospital generated the excess; or

(b) Imposition of the penalty would have a severe adverse effect which would jeopardize the continued existence of an otherwise economically viable hospital.

(5) The board shall reduce the amount of the excess for hospitals submitting budget letters pursuant to s. 408.072(3)(a) by the amount of any documented costs from financial assistance provided to expand or supplement the curriculum of a community college, university, or vocational training school for the purpose of training nurses or other health professionals, not including physicians. Financial assistance would include, but not be limited to, the direct costs for faculty salaries and expenses, books, equipment, recruiting efforts, tuition assistance, and hospital internships. The reduction would be based on actual documented expenses increased by the gross revenues necessary to generate net revenues sufficient to cover the expenses.

(6) If the board finds that any hospital chief executive officer or any person who is in charge of hospital administration or operations has knowingly and willfully allowed or authorized actual operating revenues or expenditures that are in excess of projected operating revenues or expenditures in the hospital's approved budget, the board shall order such officer or person to pay an administrative fine not to exceed \$5,000.

(7) For hospitals filing budget letters, the board shall annually compare the audited actual experience of each hospital for the year under review to the audited actual experience of that hospital for the previous year. For hospitals which submitted detailed budgets or budget amendments, the board shall compare the audited actual experience of each hospital for the year under review to its approved gross revenue per adjusted admission for the year under review, for purposes of levying an administrative fine.

(a) For a hospital submitting a budget letter pursuant to s. 408.072(3)(a), if the board determines that the audited actual experience for the year under review exceeded the hospital's previous year's audited actual experience by more than the maximum allowable rate of increase as certified in the budget letter plus any banked points utilized in the budget letter, the amount of the excess shall be determined and an administrative fine shall be levied against such hospital pursuant to subsection (8).

(b) For a hospital which submitted a budget pursuant to s. 408.072(1), or a budget amendment pursuant to s. 408.072(6), if the board determines that the gross revenue per adjusted admission contained in the hospital's audited actual experience exceeded its board approved gross revenue per adjusted admission, the amount of the excess shall be determined and an administrative fine shall be levied against such hospital pursuant to subsection (8).

(8) If the board determines that an excess exists pursuant to subsection (7), the board shall multiply the excess by the number of actual adjusted admissions contained in the year at issue to determine the amount of the base fine. The base fine shall be multiplied by the applicable occurrence factor to determine the amount of the administrative fine levied against the hospital.

(a) For the first occurrence within a 5-year period, the applicable occurrence factor shall be 0.25. For the second occurrence within a 5-year period, the applicable occurrence factor shall be 0.55. For the third occurrence within a 5-year period, the applicable occurrence factor shall be 1.0.

(b) In no event shall any administrative fine levied pursuant to this subsection exceed \$365,000.

(9) In levying any administrative fine against a hospital pursuant to subsection (8), the board shall consider the effect of any changes in the hospital's case mix, and in the hospital's intensity and severity of illness as measured by changes in the hospital's actual proportion of outlier cases to total cases and dollar increases in outlier cases' average charge per case. The board shall adjust the amount of any excess by the changes in the hospital's case mix and in its intensity and severity of illness, based upon certified hospital patient discharge data provided to the board pursuant to s. 408.061. For psychiatric hospitals and other hospitals not reimbursed under a prospective payment system by the Federal Government, until a proxy for case mix is available, the board shall adjust the amount of any excess by the change in a hospital's audited actual average length of stay without any thresholds or limitation.

(10) In levying any administrative fine against a hospital pursuant to subsection (8), it is the intent of the Legislature that if a hospital can demonstrate to the satisfaction of the board that it operated within its approved gross revenue per adjusted admission for the first 8 months of its fiscal year and did not increase its prices, except for exceptions determined by the board during the last 5 months of its fiscal year, it shall not be subject to any administrative fine levied pursuant to subsection (8).

(11) It is the further intent of the Legislature that if a hospital can demonstrate to the satisfaction of the board that it did not increase its prices on average in excess of the MARI for the prior year, it shall not be subject to any administrative fine levied pursuant to subsection (8).

~~(12) If the board finds that any hospital chief executive officer or any person who is in charge of hospital administration or operations has knowingly and willfully allowed or authorized gross revenue per adjusted admission, not revenue per adjusted admission, or rates of increase that are in excess of gross or net revenue per adjusted admission, or rates of increase in the hospital's approved budget, budget amendment, or budget letter, the agency shall order such officer or person to pay an administrative fine not to exceed \$5,000.~~

(2)(13) Any health care facility that refuses to file a report, fails to timely file a report, files a false report, or files an incomplete report and upon notification fails to timely file a complete report required under this section and s. 408.061; that violates any provision of this section, s. 408.061, or s. 408.20, or rule adopted thereunder; or that fails to provide documents or records requested by the agency under the provisions of this chapter shall be punished by a fine not exceeding \$1,000 per day for each day in violation, to be imposed and collected by the agency.

(3)(14) Any health care provider that refuses to file a report, fails to timely file a report, files a false report, or files an incomplete report and upon notification fails to timely file a complete report required under this section and s. 408.061; that violates any provision of this section, s. 408.061, or s. 408.20, or rule adopted thereunder; or that fails to provide documents or records requested by the agency under the provisions of this chapter shall be referred to the appropriate licensing board which shall take appropriate action against the health care provider.

(4)(15) ~~If in the event that~~ a health insurer does not comply with the requirements of s. 408.061, the agency shall report a health insurer's failure to comply to the Department of Insurance, which shall take into account the failure by the health insurer to comply in conjunction with its approval authority under s. 627.410. The agency shall adopt any rules necessary to carry out its responsibilities required by this subsection.

(5)(16) Refusal to file, failure to timely file, or filing false or incomplete reports or other information required to be filed under the provisions of this chapter, failure to pay or failure to timely pay any assessment authorized to be collected by the agency, or violation of any other provision of this chapter or lawfully entered order of the agency or rule adopted under this chapter, shall be punished by a fine not exceeding \$1,000 a day for each day in violation, to be fixed, imposed, and collected by the agency. Each day in violation shall be considered a separate offense.

(6)(17) Notwithstanding any other provisions of this chapter, when a hospital alleges that a factual determination made by the ~~agency board~~ is incorrect, the burden of proof shall be on the hospital to demonstrate that such determination is, in light of the total record, not supported by a preponderance of the evidence. The burden of proof remains with the hospital in all cases involving administrative agency action.

Section 18. Section 408.40, Florida Statutes, is amended to read:

408.40 ~~Budget review proceedings; duty of Public Counsel.~~—

(1) Notwithstanding any other provisions of this chapter, ~~it shall be the duty of~~ the Public Counsel ~~shall~~ to represent the general public of the state in any proceeding before the agency or its advisory panels in any administrative hearing conducted pursuant to the provisions of chapter 120 or before any other state and federal agencies and courts in any issue before the agency, any court, or any agency. With respect to any such proceeding, the Public Counsel is subject to the provisions of and may use ~~utilize~~ the powers granted to him by ss. 350.061-350.0614.

(2) The Public Counsel shall:

(a) Recommend to the agency, by petition, the commencement of any proceeding or action or to appear, in the name of the state or its citizens, in any proceeding or action before the agency and urge therein any position ~~that which~~ he deems to be in the public interest, whether consistent or inconsistent with positions previously adopted by the agency, and use ~~utilize~~ therein all forms of discovery available to attorneys in civil actions generally, subject to protective orders of the agency, which shall be reviewable by summary procedure in the circuit courts of this state.

(b) Have access to and use of all files, records, and data of the agency available to any other attorney representing parties in a proceeding before the agency.

(c) In any proceeding in which he has participated as a party, seek review of any determination, finding, or order of the agency, or of any hearing examiner designated by the agency, in the name of the state or its citizens.

(d) Prepare and issue reports, recommendations, and proposed orders to the agency, the Governor, and the Legislature on any matter or subject within the jurisdiction of the agency, and to make such recommendations as he deems appropriate for legislation relative to agency procedures, rules, jurisdiction, personnel, and functions.

(e) Appear before other state agencies, federal agencies, and state and federal courts in connection with matters under the jurisdiction of the agency, in the name of the state or its citizens.

Section 19. Subsections (10) and (14) of section 409.2673, Florida Statutes, are amended to read:

409.2673 Shared county and state health care program for low-income persons; trust fund.—

(10) Under the shared county and state program, reimbursement to a hospital for services for an eligible person must:

(a) Be at a reimbursement rate which is negotiated by the lead agency but which does not exceed the hospital's per diem reimbursement rate in effect at the time of service delivery for the hospital under the medical assistance program for the needy under Title XIX of the Social Security Act, as amended;

(b) Be limited to payment for 12 days of service per admission, not to exceed 45 days of service per county fiscal year;

(c) Be conditioned on participation of the eligible person prior to hospitalization in a case-managed program of primary care and health care services which is coordinated by the lead agency or referral of the eligible person immediately subsequent to discharge from the hospital to the lead agency's case-managed services. For purposes of this program, case-managed programs of primary care and other health care services are those operated by:

1. A state-funded county public health unit, a county public health unit primary care program, or a contractor whose primary care program is funded through a county public health unit;

2. A county-operated primary care program or a contractor whose primary care program is funded by or through a county governing authority;

3. A federally funded community or migrant primary health care center; or

4. A private physician or group of physicians who agree to work with the lead agency and other providers of primary care within the county in providing services to individuals enrolled in a countywide program of primary care;

(d) Be conditioned, for public hospitals and hospital districts that deliver services as part of this program, on a commitment not to reduce the percentage of the hospital's ad valorem tax dollars being devoted to health care for low-income persons if any of these funds were previously utilized for the provision of health care services to those persons made eligible for the shared county and state program. It is the intent of the Legislature that, as a result of the shared county and state program, funds that were previously utilized for the provision of health care services to persons made eligible by the program be used by public hospitals and hospital districts to expand their health care program capabilities for low-income persons; and

(e) Be conditioned, for tax district hospitals that deliver services as part of this program, on the delivery of charity care, as defined in the rules of the ~~Agency for Health Care Administration Health Care Cost Containment Board~~, which equals a minimum of 2.5 percent of the tax district hospital's net revenues; however, those tax district hospitals which by virtue of the population within the geographic boundaries of the tax district can not feasibly provide this level of charity care shall assure an "open door" policy to those residents of the geographic boundaries of the tax district who would otherwise be considered charity cases.

(14) Any dispute among a county, the *Agency for Health Care Administration Health-Care-Cost-Containment Board*, the department, or a participating hospital shall be resolved by order as provided in chapter 120. Hearings held under this subsection shall be conducted in the same manner as provided in s. 120.57, except that the hearing officer's order constitutes final agency action. Cases filed under chapter 120 may combine all relevant disputes between parties.

Section 20. Section 409.9113, Florida Statutes, is amended to read:

409.9113 Disproportionate share program for teaching hospitals.— In addition to the payments made under ss. 409.911 and 409.9112, the *Agency for Health Care Administration Department of Health and Rehabilitative Services* shall make disproportionate share payments to statutorily defined teaching hospitals for their increased costs associated with medical education programs and for tertiary health care services provided to the indigent. This system of payments shall conform with federal requirements and shall distribute funds in each fiscal year for which an appropriation is made by making quarterly Medicaid payments. Notwithstanding the provisions of s. 409.915, counties are exempt from contributing toward the cost of this special reimbursement for hospitals serving a disproportionate share of low-income patients.

(1) On or before September 15 of each year, the Agency for Health Care Administration shall calculate an allocation fraction to be used for distributing funds to state statutory teaching hospitals. Subsequent to the end of each quarter of the state fiscal year, the *agency department* shall distribute to each statutory teaching hospital, as defined in s. 408.07, an amount determined by multiplying one-fourth of the funds appropriated for this purpose by the Legislature times such hospital's allocation fraction. The allocation fraction for each such hospital shall be determined by the sum of three primary factors, divided by three. The primary factors are:

(a) The number of nationally accredited graduate medical education programs offered by the hospital, including programs accredited by the Accreditation Council for Graduate Medical Education and the combined Internal Medicine and Pediatrics programs acceptable to both the American Board of Internal Medicine and the American Board of Pediatrics at the beginning of the state fiscal year preceding the date on which the allocation fraction is calculated. The numerical value of this factor is the fraction that the hospital represents of the total number of programs, where the total is computed for all state statutory teaching hospitals.

(b) The number of full-time equivalent trainees in the hospital, which comprises two components:

1. The number of trainees enrolled in nationally accredited graduate medical education programs, as defined in paragraph (a). Full-time equivalents are computed using the fraction of the year during which each trainee is primarily assigned to the given institution, over the state fiscal year preceding the date on which the allocation fraction is calculated. The numerical value of this factor is the fraction that the hospital represents of the total number of full-time equivalent trainees enrolled in accredited graduate programs, where the total is computed for all state statutory teaching hospitals.

2. The number of medical students enrolled in accredited colleges of medicine and engaged in clinical activities, including required clinical clerkships and clinical electives. Full-time equivalents are computed using the fraction of the year during which each trainee is primarily assigned to the given institution, over the course of the state fiscal year preceding the date on which the allocation fraction is calculated. The numerical value of this factor is the fraction that the given hospital represents of the total number of full-time equivalent students enrolled in accredited colleges of medicine, where the total is computed for all state statutory teaching hospitals.

The primary factor for full-time equivalent trainees is computed as the sum of these two components, divided by two.

(c) A service index *that which* comprises three components:

1. The *Agency for Health Care Administration Health-Care-Cost-Containment Board* Service Index, computed by applying the standard Service Inventory Scores established by the *Agency for Health Care Administration Health-Care-Cost-Containment Board* to services offered by the given hospital, as reported on the *Health-Care-Cost-Containment Board* Worksheet A-2 for the last fiscal year reported to the *agency board* before the date on which the allocation fraction is calculated. The numerical value of this factor is the fraction that the given hospital represents

of the total *Agency for Health Care Administration Health-Care-Cost-Containment Board* Service Index values, where the total is computed for all state statutory teaching hospitals.

2. A volume-weighted service index, computed by applying the standard Service Inventory Scores established by the *Agency for Health Care Administration Health-Care-Cost-Containment Board* to the volume of each service, expressed in terms of the standard units of measure reported on the *Health-Care-Cost-Containment Board* Worksheet A-2 for the last fiscal year reported to the *agency board* before the date on which the allocation factor is calculated. The numerical value of this factor is the fraction that the given hospital represents of the total volume-weighted service index values, where the total is computed for all state statutory teaching hospitals.

3. Total Medicaid payments to each hospital for direct inpatient and outpatient services during the fiscal year preceding the date on which the allocation factor is calculated. This includes payments made to each hospital for such services by Medicaid prepaid health plans, whether the plan was administered by the hospital or not. The numerical value of this factor is the fraction that each hospital represents of the total of such Medicaid payments, where the total is computed for all state statutory teaching hospitals.

The primary factor for the service index is computed as the sum of these three components, divided by three.

(2) *By October 1 of each year, the agency shall use the following formula shall be utilized by the department* to calculate the maximum additional disproportionate share payment for statutorily defined teaching hospitals:

$$\text{TAP} = \text{THAF} \times \text{A}$$

Where:

TAP = total additional payment.

THAF = teaching hospital allocation factor.

A = amount appropriated for a teaching hospital disproportionate share program.

~~(3) The Health-Care-Cost-Containment Board shall report to the department the statutory teaching hospital allocation fraction prior to October 1 of each year.~~

Section 21. Paragraph (c) of subsection (12) of section 440.13, Florida Statutes, is amended to read:

440.13 Medical services and supplies; penalty for violations; limitations.—

(12) CREATION OF THREE-MEMBER PANEL; GUIDES OF MAXIMUM REIMBURSEMENT ALLOWANCES.—

(c) Reimbursement for all fees and other charges for such treatment, care, and attendance, including treatment, care, and attendance provided by any hospital or other health care provider, ambulatory surgical center, work-hardening program, or pain program, must not exceed the amounts provided by the uniform schedule of maximum reimbursement allowances as determined by the panel or as otherwise provided in this section. This subsection also applies to independent medical examinations performed by health care providers under this chapter. Until the three-member panel approves a uniform schedule of maximum reimbursement allowances and it becomes effective, all compensable charges for treatment, care, and attendance provided by physicians, ambulatory surgical centers, work-hardening programs, or pain programs shall be reimbursed at the lowest maximum reimbursement allowance across all 1992 schedules of maximum reimbursement allowances for the services provided regardless of the place of service. In determining the uniform schedule, the panel shall first approve the data which it finds representative of prevailing charges in the state for similar treatment, care, and attendance of injured persons. Each health care provider, health care facility, ambulatory surgical center, work-hardening program, or pain program receiving workers' compensation payments shall maintain records verifying their usual charges. In establishing the uniform schedule of maximum reimbursement allowances, the panel must consider:

1. The levels of reimbursement for similar treatment, care, and attendance made by other health care programs or third-party providers;

2. The impact upon cost to employers for providing a level of reimbursement for treatment, care, and attendance which will ensure the

availability of treatment, care, and attendance required by injured workers; and

3. The financial impact of the reimbursement allowances upon health care providers and health care facilities, including trauma centers as defined in s. 395.401, and its effect upon their ability to make available to injured workers such medically necessary remedial treatment, care, and attendance. The uniform schedule of maximum reimbursement allowances must be reasonable, must promote health care cost containment and efficiency with respect to the workers' compensation health care delivery system, and must be sufficient to ensure availability of such medically necessary remedial treatment, care, and attendance to injured workers; and

~~4. The most recent average maximum allowable rate of increase for hospitals determined by the Health Care Board under chapter 408.~~

Section 22. Paragraph (a) of subsection (4) of section 240.4076, Florida Statutes, is amended to read:

240.4076 Nursing scholarship loan program. —

(4) Credit for repayment of a scholarship loan shall be on a year-for-year basis as follows:

(a) For each year of scholarship loan assistance, the recipient agrees to work for 12 months at a health care facility in a medically underserved area as approved by the Department of Health and Rehabilitative Services. Eligible health care facilities include state-operated medical or health care facilities, county public health units, federally sponsored community health centers, or teaching hospitals as defined in s. 408.07 s. 408.07(40).

Section 23. Sections 407.61, 408.003, 408.072, and 408.085, Florida Statutes, are repealed.

Section 24. The repeal of laws governing the review of hospital budgets and related penalties contained in this act operates retroactively and applies to any hospital budget prepared for a fiscal year that ended during the 1994 calendar year.

And the title is amended as follows:

On page 1, line 10, after the semicolon (;) insert: amending s. 20.42, F.S.; deleting the responsibility of the Division of Health Policy and Cost Control within the Agency for Health Care Administration for reviewing hospital budgets; abolishing the Health Care Board; amending s. 112.153, F.S., relating to local governmental group insurance plans; updating provisions to reflect the assumption by the Agency for Health Care Administration of duties formerly performed by the Health Care Cost Containment Board; amending s. 154.304, F.S., relating to health care for indigent persons; revising definitions; amending ss. 212.055, 394.4788, F.S., relating to discretionary sales surtaxes and mental health services; updating provisions to reflect the assumption by the agency of duties formerly performed by the Health Care Cost Containment Board; amending s. 395.401, F.S.; providing for certain reports formerly made to the Health Care Board to be made to the agency; amending s. 395.701, F.S., relating to the Public Medical Assistance Trust Fund; revising definitions; amending s. 395.806, F.S.; providing for the agency to assume the board's duties in reviewing family practice teaching hospitals; amending s. 408.033, F.S.; revising membership on the Statewide Health Council to reflect the abolishment of the Health Care Board; amending ss. 408.05, 408.061, 408.062, 408.063, F.S., relating to the State Center for Health Statistics and the collection and dissemination of health care information; updating provisions to reflect the assumption by the Agency for Health Care Administration of duties formerly performed by the Health Care Board and the Department of Health and Rehabilitative Services; deleting obsolete provisions; amending s. 408.07, F.S.; deleting definitions made obsolete by the repeal of requirements with respect to hospital budget reviews; amending s. 408.08, F.S.; deleting provisions requiring the Health Care Board to review the budgets of certain hospitals; deleting requirements that a hospital file budget letters; deleting certain administrative penalties; amending s. 408.40, F.S.; removing a reference to the duties of the Public Council with respect to hospital budget review proceedings; amending ss. 409.2673, 409.9113, F.S., relating to health care programs for low-income persons and the disproportionate share program for teaching hospitals; updating provisions to reflect the abolishment of the Health Care Cost Containment Board and the assumption of its duties by the agency; amending s. 440.13, F.S., relating to reimbursements for medical services under the Workers' Compensation Law; deleting a reference to reviews of hospital budgets made obsolete by the act; amending s. 240.4076, F.S.; conforming a cross-reference to changes made by the act;

repealing ss. 407.61, 408.003, 408.072, 408.085, F.S., relating to studies by the Health Care Board, appointment of members to the Health Care Board, review of hospital budgets, and budget reviews of comprehensive inpatient rehabilitation hospitals; providing for retroactive application of the act;

Senator Hargrett moved the following amendment which was adopted:

Amendment 2 (with title amendment)—On page 1, line 14, insert:

Section 1. Sickle-cell program.—The Department of Health and Rehabilitative Services shall, to the extent resources are available:

(1) Provide education to the citizens of Florida about sickle cell disease.

(2) Work cooperatively with not-for-profit centers to provide community-based education, patient teaching and counseling, and to encourage diagnostic screening.

(3) Make grants or enter into contracts with not-for-profit centers.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, line 2, delete that line and insert: An act relating to health care; requiring the Department of Health and Rehabilitative Services, to the extent that resources are available, to provide public education about sickle cell disease, work cooperatively with not-for-profit centers to provide education, teaching, and counseling, and encourage diagnostic screening; providing for grants and contracts;

On motion by Senator Bronson, by two-thirds vote **SB 590** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37 Nays—None

CS for SB 434—A bill to be entitled An act relating to outdoor advertising; amending s. 479.02, F.S.; directing the Department of Transportation to conduct an inventory of all signs on the interstate and federal-aid primary highway systems; amending s. 479.07, F.S.; revising the fee structure for annual sign permits; prohibiting the issuance of certain permits; authorizing the Department of Transportation to remove certain signs without liability; providing for permit reinstatement; revising criteria; increasing a fee; amending s. 479.105, F.S.; revising criteria for an exemption from the removal of a sign as a public nuisance; increasing a penalty fee; creating s. 479.106, F.S.; providing for vegetation management; providing penalties; amending s. 479.14, F.S.; revising language with respect to disposition of fees; creating s. 479.261, F.S.; providing for a logo sign program for the rights-of-way of the interstate highway system to provide information to motorists; creating s. 479.27, F.S.; providing for a highway beautification and tourism promotion pilot project; providing an effective date.

—was read the second time by title.

Senator Latvala moved the following amendment which was adopted:

Amendment 1—On page 15, line 17, delete "July 1, 1996." and insert: upon becoming a law.

On motion by Senator Latvala, by two-thirds vote **CS for SB 434** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34 Nays—None

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

CS for HB 2469—A bill to be entitled An act relating to correctional work programs; amending s. 946.502, F.S., relating to legislative intent with respect to operation of correctional work programs; conforming references to changes made by the act; amending s. 946.5025, F.S.; allowing the corporation authorized to operate correctional work programs to enter into a contract with an operator of a private correctional facility; amending s. 946.503, F.S.; conforming references; redefining the

term "inmate" to include a prisoner incarcerated within a county, municipal, or private correctional facility; defining the term "private correctional facility"; amending s. 946.504, F.S.; deleting obsolete provisions; deleting a requirement that rent paid by the corporation be deposited into the Correctional Programs Trust Fund; amending s. 946.506, F.S., relating to modification or termination of correctional work programs by the corporation; conforming references to changes made by the act; amending s. 946.509, F.S.; authorizing the corporation to secure private insurance coverage; requiring that the corporation provide the Division of Risk Management of the Department of Insurance with specified documentation of such coverage; amending s. 946.515, F.S.; authorizing the corporation to furnish goods or services to additional specified entities; prohibiting the corporation from breeding or selling live tropical fish; amending s. 946.516, F.S.; deleting certain requirements of the corporation for reports and audits; providing for application of certain accounting principles; amending s. 946.518, F.S.; 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; repealing s. 946.24, F.S., relating to the sale of tags to the Jaycees; repealing s. 946.507, F.S., relating to funds appropriated to the corporation; providing an effective date.

—a companion measure, was substituted for **CS for SB 494** and by two-thirds vote read the second time by title. On motion by Senator Latvala, by two-thirds vote **CS for HB 2469** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35 Nays—None

CS for CS for SB's 234 and 542—A bill to be entitled An act relating to prosecutors and investigators; amending s. 27.255, F.S.; expanding the area where certain state attorney investigators may serve a witness subpoena in a criminal case or investigation; authorizing the investigator to make such service anywhere within the state; providing for notice to be given to the sheriff of the county where service will be attempted; amending s. 843.08, F.S., relating to prohibitions against falsely personating law enforcement officers; defining the crimes of falsely assuming or pretending to be a state attorney or assistant state attorney and falsely assuming or pretending to be the statewide prosecutor or an assistant statewide prosecutor; providing penalties and enhanced penalties; providing an effective date.

—was read the second time by title.

An amendment was considered to conform **CS for CS for SB's 234 and 542** to **CS for HB 571**.

Pending further consideration of **CS for CS for SB's 234 and 542** as amended, on motions by Senator Burt, by two-thirds vote—

CS for HB 571—A bill to be entitled An act relating to prosecutors and their investigators; amending s. 27.14, F.S., relating to assigning state attorneys to other circuits; clarifying language and expanding time periods for exchange and assignments; amending s. 27.255, F.S.; expanding the area where certain state attorney investigators may serve a witness subpoena in a criminal case or investigation; authorizing the investigator to make such service anywhere within the state; providing for notice to be given to the sheriff of the county where service will be attempted; amending s. 843.08, F.S., relating to prohibitions against falsely personating law enforcement officers; defining the crimes of falsely assuming or pretending to be a state attorney or assistant state attorney and falsely assuming or pretending to be the statewide prosecutor or an assistant statewide prosecutor; providing penalties and enhanced penalties; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB's 234 and 542** and by two-thirds vote read the second time by title. On motion by Senator Burt, by two-thirds vote **CS for HB 571** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—None

CLAIM BILL CALENDAR

SENATOR WEINSTEIN PRESIDING

On motion by Senator Jennings, by two-thirds vote **SB 124, SB 530, SB 534, SB 594, SB 780, SB 838, SB 908, SB 1000, SB 1040, SB 1160, SB 1172, SB 1218, SB 1688, SB 2592, SB 2654, SB 2728, SB 2730, SB**

2884, SB 2934 and **SB 3072** were withdrawn from the Committee on Ways and Means.

On motion by Senator Forman, by two-thirds vote **CS for HB 957** was withdrawn from the Special Master; and the Committees on Judiciary; and Ways and Means.

On motion by Senator Forman—

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.

—a companion measure, was substituted for **SB 124** and read the second time by title. On motion by Senator Forman, by two-thirds vote **CS for HB 957** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33 Nays—1

Consideration of **SB 530** was deferred.

On motion by Senator Meadows, by two-thirds vote **HB 871** was withdrawn from the Special Master; and the Committees on Judiciary; and Ways and Means.

On motion by Senator Meadows—

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.

—a companion measure, was substituted for **SB 534** and read the second time by title. On motion by Senator Meadows, by two-thirds vote **HB 871** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36 Nays—None

On motion by Senator Myers, by two-thirds vote **CS for HB 489** was withdrawn from the Special Master; and the Committees on Judiciary; and Ways and Means.

On motion by Senator Myers—

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.

—a companion measure, was substituted for **SB 530** and read the second time by title. On motion by Senator Myers, by two-thirds vote **CS for HB 489** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—19 Nays—17

RECONSIDERATION OF BILL

On motion by Senator Harris, the Senate reconsidered the vote by which—

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.

—passed this day.

On motion by Senator Harris, **CS for HB 489** was read by title and failed to pass. The action of the Senate was certified to the House. The vote was:

Yeas—15 Nays—22

On motion by Senator Burt, by two-thirds vote **HB 383** was withdrawn from the Special Master; and the Committees on Judiciary; and Ways and Means.

On motion by Senator Burt—

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.

—a companion measure, was substituted for **SB 594** and read the second time by title. On motion by Senator Burt, by two-thirds vote **HB 383** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30 Nays—None

On motion by Senator Casas, by two-thirds vote **CS for HB 1101** was withdrawn from the Special Master; and the Committees on Judiciary; and Ways and Means.

On motion by Senator Casas—

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.

—a companion measure, was substituted for **SB 780** and read the second time by title. On motion by Senator Casas, by two-thirds vote **CS for HB 1101** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33 Nays—None

On motion by Senator Sullivan, by two-thirds vote **CS for HB 631** was withdrawn from the Special Master; and the Committees on Judiciary; and Ways and Means.

On motion by Senator Sullivan—

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.

—a companion measure, was substituted for **SB 838** and read the second time by title. On motion by Senator Sullivan, by two-thirds vote **CS for HB 631** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—24 Nays—11

On motion by Senator Gutman, by two-thirds vote **CS for HB 861** was withdrawn from the Special Master; and the Committees on Judiciary; and Ways and Means.

On motion by Senator Gutman—

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.

—a companion measure, was substituted for **SB 908** and read the second time by title. On motion by Senator Gutman, by two-thirds vote

CS for HB 861 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34 Nays—None

On motion by Senator Grant, by two-thirds vote **CS for HB 863** was withdrawn from the Special Master; and the Committees on Judiciary; and Ways and Means.

On motion by Senator Grant—

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.

—a companion measure, was substituted for **SB 1000** and read the second time by title. On motion by Senator Grant, by two-thirds vote **CS for HB 863** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36 Nays—None

On motion by Senator Grant, by two-thirds vote **HB 1193** was withdrawn from the Special Master; and the Committees on Judiciary; and Ways and Means.

On motion by Senator Grant—

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.

—a companion measure, was substituted for **SB 1040** and read the second time by title. On motion by Senator Grant, by two-thirds vote **HB 1193** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34 Nays—None

On motion by Senator Jones, by two-thirds vote **CS for HB 1153** was withdrawn from the Special Master; and the Committees on Judiciary; and Ways and Means.

On motion by Senator Jones—

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.

—a companion measure, was substituted for **SB 1160** and read the second time by title. On motion by Senator Jones, by two-thirds vote **CS for HB 1153** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32 Nays—None

SB 1172—A bill to be entitled An act for the relief of James Ponce and Jacqueline Ponce; providing an appropriation to compensate them for damages sustained as a result of the actions of the Department of Environmental Protection; providing an effective date.

—was read the second time by title.

The Committee on Judiciary recommended the following amendment which was moved by Senator Bankhead and adopted:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. The facts stated in the preamble to this act are found and declared to be true.

Section 2 The Executive Office of the Governor is directed to transfer existing spending authority or establish spending authority from unappropriated trust fund balances in the Department of Environmental Protection in the amount of \$270,656.80 to a new category titled "Relief - James and Jacqueline Ponce" as relief for damages sustained.

Section 3. The Comptroller is directed to draw his warrant in favor of James and Jacqueline Ponce in the sum of \$270,656.80 upon funds of the Department of Environmental Protection in the State Treasury and the State Treasurer is directed to pay the same out of such funds in the State Treasury.

Section 4. 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 for the relief of James Ponce and Jacqueline Ponce; providing an appropriation to compensate them for damages sustained as a result of the actions of the Department of Environmental Protection; providing an effective date.

WHEREAS, in 1981, James Ponce and Jacqueline Ponce, owners of a restaurant/marina in St. Augustine, Florida, known as the "Conch House Marina," applied to expand their facility, at which time the former Department of Natural Resources, now the Department of Environmental Protection, asserted ownership of the submerged lands adjacent to the Conch House Marina, and

WHEREAS, for the next 5 years, the State of Florida required James and Jacqueline Ponce to engage in protracted permitting process and lease negotiations for use of the submerged lands adjacent to the Conch House Marina, and

WHEREAS, the Ponces resisted the state's demands because they believed that the state did not have title to the questioned submerged lands, and

WHEREAS, faced with the inability to expand their marina and the possibility of losing the nonwater-dependent structures, the Ponces ultimately entered into a sovereignty submerged land lease with the Board of Trustees of the Internal Improvement Trust Fund, and

WHEREAS, the Ponces began making payments under the submerged land lease on December 3, 1986, and continued making annual lease payments through July 19, 1994, totaling \$152,877.50, and

WHEREAS, the Florida Legislature had conveyed the bottom lands that were the subject of the lease to the City of St. Augustine in 1925, and

WHEREAS, just as the Ponces maintained, the state does not, and did not at any relevant time, own the submerged lands it was leasing to the Ponces, and

WHEREAS, it appears that the Department of Natural Resources recognized its lack of ownership as early as 1991, but did not notify the Ponces, and inexplicably continued to collect the lease payments through the end of 1994, and

WHEREAS, the Department of Environmental Protection did not notify the Ponces of their entitlement to refunds until after being contacted by the Ponces' legal representatives in February 1995, and

WHEREAS, Governor Lawton Chiles and the Cabinet, pursuant to a meeting of the Board of Trustees of the Internal Improvement Trust Fund on January 24, 1995, approved a reimbursement to the Ponces covering all lease payments plus interest and expenses incurred in connection with the lease, and

WHEREAS, following the decision of the Board of Trustees, the Department of Environmental Protection responded to inquiries of the Ponces' legal representatives in a letter dated March 9, 1995, stating

their intention to refund each leaseholder whatever fees were improperly paid with appropriate interest and their willingness to refund other costs incurred by the leaseholder that were directly attributable to pursuing the submerged land lease, and

WHEREAS, subsequently, the Board of Trustees and the Ponces entered into a partial settlement agreement that has compensated the Ponces in two stages for all prior lease payments, which payments total \$152,877.50, and

WHEREAS, the Board of Trustees of the Internal Improvement Trust Fund, the Department of Environmental Protection, and the Ponces have agreed that it is in the best interest of all parties that the remaining sums due the Ponces should be sought via a legislative claim bill, and

WHEREAS, the Board of Trustees of the Internal Improvement Trust Fund and the Department of Environmental Protection do not object to the payment of interest on the amount due the Ponces for prior lease payments, nor do they object to reimbursement of the expenses associated with the lease, though they reserve the right to dispute particular expense items, and

WHEREAS, the Ponce's remaining claims are for interest on the lease payments totaling \$83,355.53, attorneys' fees for procuring the lease estimated to be \$49,000, attorneys' fees to modify condominium marina documents of \$7,500, interest of \$71,801.27 on costs to obtain the lease, costs for surveys to obtain the lease in the amount of \$9,000, and attorneys' fees incurred to obtain a settlement and resolution of this claim totaling \$50,000, and

WHEREAS, the total amount of the remaining claim is \$270,656.80, NOW, THEREFORE,

On motion by Senator Bankhead, by two-thirds vote **SB 1172** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33 Nays—None

SB 1218—A bill to be entitled An act for the relief of Jesse Hill; providing an appropriation to compensate him for damages sustained as a result of the tortious conduct and negligence of the Department of Corrections; providing an effective date.

—was read the second time by title.

The Committee on Judiciary recommended the following amendment which was moved by Senator Turner and adopted:

Amendment 1—On page 2, lines 16 and 20, delete "\$487,500" and insert: \$250,000

On motion by Senator Turner, by two-thirds vote **SB 1218** as amended was read the third time by title and failed to pass. The vote was:

Yeas—17 Nays—18

On motion by Senator Grant, by two-thirds vote **HB 893** was withdrawn from the Special Master; and the Committees on Judiciary; and Ways and Means.

On motion by Senator Grant—

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.

—a companion measure, was substituted for **SB 1688** and read the second time by title. On motion by Senator Grant, by two-thirds vote **HB 893** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34 Nays—None

On motion by Senator Jones, by two-thirds vote **CS for HB 2093** was withdrawn from the Special Master; and the Committees on Judiciary; and Ways and Means.

On motion by Senator Jones—

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.

—a companion measure, was substituted for **SB 2592** and read the second time by title. On motion by Senator Jones, by two-thirds vote **CS for HB 2093** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28 Nays—8

THE PRESIDENT PRESIDING

SB 2654—A bill to be entitled An act for the relief of Robert Jeff Woodham; providing an appropriation from the State Treasury to pay for his future needs as necessitated by quadriplegic paralysis caused while playing junior-varsity high-school football; providing for payment; providing an effective date.

—was read the second time by title.

The Committee on Judiciary recommended the following amendment which was moved by Senator Thomas and adopted:

Amendment 1—On page 4, line 11, after the period (.) insert: After payment of attorney's fees and costs, the sum of \$100,000 shall be available to Robert Jeff Woodham to be used for appropriate and necessary home renovations and the payment of past medical care and related expenses. The remaining balance of the moneys shall be placed in a Special Needs trust or other appropriate health care trust to be used for the future medical, rehabilitative, and life care needs of Robert Jeff Woodham.

On motion by Senator Thomas, by two-thirds vote **SB 2654** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39 Nays—None

MOTION

On motion by Senator Jennings, the rules were waived and time of recess was extended until 1:00 p.m.

SPECIAL ORDER CALENDAR, continued

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 read the second time by title.

Senator Jenne moved the following amendment:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *Educational enhancement centers.*—

(1) *SHORT TITLE.*—This section may be cited as the "Educational Enhancement Act of Florida."

(2) *LEGISLATIVE PURPOSE.*—The purpose of educational enhancement centers is to provide an alternative within the public education system for average and below average students, and those whose discipline records indicate suspension or expulsion is imminent, by offering opportunities for groups of public school personnel in partnership with parents and community members to establish and maintain a public school program according to the terms of its authorization to operate. Educational enhancement centers are intended to be vanguards and laboratories and an expression of the ongoing and vital state interest in the improvement of schools. These educational enhancement centers shall be vehicles for research and development in areas such as curriculum, pedagogy, administration, materials, facilities, governance, parent relations and involvement, social development, instructor's and administrator's responsibilities, working conditions, and fiscal accountability. It is the intent of the Legislature to create within the public school system vehicles for innovative learning opportunities to be utilized and evaluated in pilot projects. The provisions of this section are to be interpreted liberally to support the purposes set forth herein and to advance a renewed commitment by the state to the mission, goals, and diversity of public education. It is the intent of the Legislature to provide opportunities for public school personnel, parents, students, and community members to establish and maintain public schools that operate independently, but within the existing public school district structure, as a method to accomplish all of the following:

(a) *Improve student learning by creating schools with rigorous student academic performance standards in all basic areas of instruction.*

(b) *Increase learning opportunities for all students, with a special interest on expanded learning experiences for students who are identified as academically and behaviorally at risk, including students identified as candidates for alternative school programs designed to provide intervention for those students who are disruptive and incapable of continuing in a traditional school environment.*

(c) *Encourage the use of innovative teaching methods in small classes.*

(d) *Create opportunities for teachers, including the opportunity to be responsible for the learning program at the center site.*

(e) *Provide parents and students with expanded choices in the types of educational opportunities that are available within the public school system.*

(f) *Hold the centers established under this section accountable for meeting publicly reviewed, measurable academic results, and provide the centers with a method to implement teacher-based and student-based accountability systems.*

(g) *Encourage parental and community involvement with public schools.*

(3) *AUTHORIZATION TO OPERATE.*—

(a) *The district school board may grant, in response to an application, authorization to operate a single educational enhancement center for up to 5 years, subject to renewal for additional 5-year periods.*

(b) *Authorization to operate as an educational enhancement center shall be granted only to a group of public school personnel in partnership with parents of students to be enrolled and community members. Schools authorized to operate as educational enhancement centers shall be existing public schools currently operating or new schools to be located in*

facilities that meet the State Uniform Building Code for Public Educational Facilities Construction.

(c) No existing public school shall be converted into an educational enhancement center unless a majority of the parents or guardians of the students currently assigned to the school and a majority of the certified teaching personnel currently assigned to the school approve the proposed completed application for authorization to operate as an educational enhancement center.

(d) Each proposed authorization to operate as an educational enhancement center for a newly created public school must demonstrate to the district school board in the application that there are a number of certified teaching personnel equal to at least a majority of the number of such personnel that will be required to staff the proposed center who desire to participate in it, and a number of parents or guardians of eligible children equal to at least a majority of the number of students that would attend the proposed center who desire to have their children participate in it.

(e) No teacher shall be required to teach in an educational enhancement center. Students who have been identified by teachers, parents, school counselors, and principals as candidates for programs designed to provide intervention for those students who are disruptive in the traditional school environment may be assigned to an educational enhancement center. The district school board shall make accommodations to facilitate the transfer of students to and from educational enhancement centers. The district school board and the collective bargaining agent for teachers in the school district shall make accommodations to facilitate the transfer of teaching staff and other personnel who do not wish to be employed in an educational enhancement center.

(f) A private school, parochial school, or home education program shall not be eligible for educational enhancement center status. Students who attend a private or parochial school shall not be eligible for enrollment in an educational enhancement center for 1 school year following their withdrawal from a private or parochial school.

(4) PROCEDURE FOR CREATION OF EDUCATIONAL ENHANCEMENT CENTERS. —

(a) An application to establish an educational enhancement center shall be made to the district school board.

(b) The district school board shall make a determination regarding the granting of an authorization to operate as an educational enhancement center upon receiving a completed application which contains all of the information deemed necessary to fully address the following issues. The application shall:

1. Be submitted to the district school board no later than November 1 of the school year prior to the school year in which the educational enhancement center is to be operational.

2. Describe the mission of the educational enhancement center, measurable objectives, methods of providing the education program, and the process for improving student learning, fulfilling the authorization to operate as an educational enhancement center, and fulfilling state and national education goals and standards.

3. Provide for a minimum of 180 days per year of instruction to students.

4. Indicate performance criteria that will be used to measure student learning and to comply with the authorization to operate as an educational enhancement center, state education goals as prescribed in s. 229.591, Florida Statutes, and national education goals and standards. At a minimum, students in an educational enhancement center must participate in the statewide assessment program.

5. Include an agreement to provide an annual report as required by s. 229.592, Florida Statutes, to parents, the community, and the district school board, which indicates the progress in meeting the measurable objectives during the previous year.

6. Present a plan for the governance, administration, and operation of the educational enhancement center. The plan shall include the method of selection, membership, roles, and responsibilities of the school advisory council as authorized by s. 229.58, Florida Statutes, which shall

function as the governing board of the educational enhancement center. The plan shall also include a description of the nature and extent of parental, professional educator, and community involvement in the governance and operation of the educational enhancement center, and the means of ensuring accountability to the district school board and the community.

7. Identify the building that will house the educational enhancement center and from whom and under what terms and conditions it is to be provided. Any newly created educational enhancement center must be housed in an appropriate facility which meets the Uniform Code for Public Education Facilities Construction adopted pursuant to s. 235.26, Florida Statutes, or applicable state minimum building codes pursuant to chapter 553, Florida Statutes, and state minimum fire protection codes pursuant to s. 633.025, Florida Statutes, as adopted by the authority in whose jurisdiction the facility is located.

8. Describe the support services to be provided by the school district and under what terms and conditions those services are to be provided. The application shall describe the support services the educational enhancement center will obtain directly from third parties and, to the extent known, under what terms and conditions those services are to be provided.

9. Explain the procedures that will be followed to ensure the health and safety of center staff and students.

10. Describe the admission requirements and the application and enrollment procedures to be used to select students for enrollment in the educational enhancement center. It is the intent of the Legislature that priority consideration be given to students who are academically and behaviorally at risk. To this end, admission requirements may include: a willingness on the part of the student and the student's parent or guardian to adhere to the rules in a student/parent contract as the rules apply to excellent attendance, exemplary conduct, and commitment to the program; student scores in the lower quartile on the reading and mathematics sections of the norm-referenced test administered at grade 4 or grade 8; a grade point average of 2.0 or below for grades 9 through 12; a writing score on Florida Writes of 2 or below; a history of grades which are not consistent with documented levels of ability; and a history of absenteeism, grade retentions, failing grades, or habitual disruptive behavior. The names of students who meet the admission requirements shall be placed in a lottery from which names will be drawn until grade level capacity, building capacity, racial balance, and gender balance are achieved for the proposed educational enhancement center. Students with disabilities and students who are not proficient in the English language shall have an equal opportunity of being selected for enrollment in an educational enhancement center.

11. Explain the student discipline procedures.

12. Explain the relationship that will exist between the proposed educational enhancement center's governing board and its employees and the school district, including the terms and conditions of employment and the qualifications that the employees must meet. The governing board of the educational enhancement center shall be responsible for hiring, evaluating, and terminating personnel who work at the educational enhancement center. Teachers and administrators in educational enhancement centers must be certified pursuant to state law and rule or meet the requirements of s. 231.15(1), Florida Statutes, regarding employment of noncertificated personnel to teach in the individual's field of speciality. Teachers, administrators, and noninstructional personnel in educational enhancement centers shall remain employees of the school district for purposes of salary, financial benefits, and pension eligibility. Teachers and noninstructional personnel at the educational enhancement center shall remain members of the collective bargaining unit for teachers and noninstructional personnel in the school district and shall have access to the grievance and dispute resolution procedures set forth in the collective bargaining agreement with the school district. New teachers and noninstructional personnel at the educational enhancement center shall have the right to choose to become members of the collective bargaining unit.

13. Provide a listing of the statutes and rules from which the educational enhancement center intends to be exempt. An educational enhancement center shall operate in accordance with its authorization to operate and shall be exempt from all statutes of the Florida School Code, except those pertaining to civil rights and student health, safety, and welfare, or as otherwise required by this section. An educational enhancement

center shall not be exempt from the following statutes; chapter 119, Florida Statutes, relating to public records, and s. 286.011, Florida Statutes, relating to public meeting and records, public inspection, and penalties.

14. Provide a financial plan, including a proposed budget for the term of the authorization to operate, an annual audit of the financial and administrative operations of the educational enhancement center, and the manner in which the funds allocated to the educational enhancement center will be managed and disbursed. If an authorization to operate is not renewed or is terminated, the governing board of the educational enhancement center is responsible for all debts of the educational enhancement center. The district may not assume the debt from any contract for services made between the governing board of the center and a third party, except for a debt that is previously detailed and agreed upon in writing by both the district and the governing board of the center.

15. Provide procedures by which teaching personnel and parents can legally challenge decisions of the governing board of the center which do not conform to the center's authorization to operate.

16. Provide a copy of the proposed bylaws of the educational enhancement center.

17. Provide a description of the manner in which the educational enhancement center will be insured, including whether or not the center will be required to have liability insurance, and if so, the terms and conditions thereof and the amounts of coverage.

(5) ESTABLISHMENT AT AN EXISTING SCHOOL OR A NEWLY CREATED SCHOOL.—

(a) In those instances when an authorization to operate as an educational enhancement center is being sought for an existing public school, the application for authorization to operate must receive the affirmative vote of a majority of the teachers assigned to the center prior to implementation. The application for authorization to operate shall be voted on by the parents or guardian of each student assigned to the center, with one vote being cast for each student. To be adopted by the parents or guardians, the application for authorization to operate must receive the affirmative vote of parents or guardians representing a majority of all students assigned to the center or intending to seek assignment to the educational enhancement center. Such application for authorization to operate may then be presented to the district school board for its approval. The application for authorization to operate shall set forth those provisions of state statute and rule, of school district rule, and of the collective bargaining agreement which will not be applicable to that educational enhancement center. By majority vote of the teachers, as provided for in this paragraph, said teachers shall be deemed to have given their consent to the waivers from those provisions of law, rule, or the collective bargaining agreement enumerated in the application for authorization to operate. By approval of the application for authorization to operate, the district school board shall be deemed to have authorized all necessary waivers from law and rule enumerated in the application for authorization to operate. Should the need for relief from the operation of additional provisions of law, rule, or the collective bargaining agreement become apparent subsequent to implementation of the authorization to operate, such a waiver may be obtained by an affirmative vote of the district school board.

(b) In those instances when an authorization to operate as an educational enhancement center is being sought for a newly created educational enhancement center, the application for authorization to operate must receive the affirmative vote of a number of certified teachers currently employed by the school board at least equal to a majority of the number of teachers that will be required to staff the proposed educational enhancement center. Said teachers must state their desire to transfer to the educational enhancement center, once established, and to teach under the terms of the authorization to operate. To demonstrate parental support within the school district, the application for authorization to operate must receive the affirmative vote of parents or guardians representing a number of students currently enrolled in a public school in the school district equal to a majority of the number of students by grade level who would be needed to attend the proposed educational enhancement center. Said parents or guardians must state their desire to have their children transfer to the educational enhancement center, once established, and to be educated under the terms of the authorization to operate. The application for authorization to operate may then be presented to the district school board for its approval. The application for authorization to operate shall set forth those provisions of state statute and rule, of school district

rule, and of the collective bargaining agreement which will not be applicable to that educational enhancement center. By a majority vote of the teachers, as provided for in this paragraph, said teachers shall be deemed to have given their consent to the waivers to those provisions of law, rule, or the collective bargaining agreement enumerated in the application for authorization to operate. By approval of the application for authorization to operate by the district school board, the district school board shall be deemed to have authorized all necessary waivers from law and rule enumerated in the application for authorization to operate. Should the need for relief from the operation of additional provisions of law, rule, or the collective bargaining agreement become apparent subsequent to implementation of the authorization to operate, such a waiver may be obtained by an affirmative vote of a majority of the teachers then assigned to the center and by an affirmative vote of the district school board.

(6) PROCESS FOR CONSIDERATION OF PROPOSED AUTHORIZATION TO OPERATE AN EDUCATIONAL ENHANCEMENT CENTER.—

(a) If the district school board finds an application to be incomplete, further information may be requested and required. The Commissioner of Education shall develop rules for amending an approved authorization to operate, consistent with the provisions of this section.

(b) After having received a completed application, the district school board shall provide for a public comment period of not less than 45 days, during which time shall be held at least two public hearings on the application. These hearings shall be held in the school district where the proposed educational enhancement center is to be located. Any person may file with the district school board recommendations and/or objections relevant to the granting of an authorization to operate.

(c) A copy of the completed application for an educational enhancement center shall be provided to the collective bargaining agent for the teachers in that school district at the time that it is filed with the district school board. Any objections and recommendations regarding the application for authorization to operate as an educational enhancement center shall be considered and responded to by the district school board before making any recommendation regarding the approval of the application.

(d) The district school board shall decide whether or not to recommend the granting of an authorization to operate within 60 days after the completed application is received. The educational enhancement center must be operational at the beginning of the school year following the approval of the application for authorization to operate.

(e) All applications for authorization to operate as an educational enhancement center must be matters of public record and shall be provided to members of the public upon request.

(7) REVENUE.—Students enrolled in an educational enhancement center shall be funded as if they are in a basic program or a special program, the same as students enrolled in other public schools in the school district.

(a) Each educational enhancement center shall report its student enrollment to the district school board. The district school board shall include each educational enhancement center's enrollment in the district's report of student enrollment as required under s. 236.081, Florida Statutes.

(b) In determining the annual appropriation for public schools, the student enrollment in educational enhancement centers and other schools operated by the district school board shall be used to calculate the district's total potential revenue per student allocation. An administration fee of 5 percent of the total funds passed through the school district to the educational enhancement center may be retained by the school district.

(c) The agreement for funding students enrolled in an educational enhancement center shall be the districtwide expenditure rate per full-time equivalent student (FTE) in comparable basic and special programs. The FTE expenditure rate shall be the total program cost from the district general fund and shall be determined from the center and district cost report required under s. 237.34, Florida Statutes.

(d) If the district school board is providing programs or services to students funded by federal funds, any eligible students enrolled in educational enhancement centers in the school district shall be provided federal

funds for the same level of service provided students in the schools operated by the district school board.

(e) All services centrally or otherwise provided by a school district in which an educational enhancement center is located which the educational enhancement center decides to utilize, including, but not limited to, transportation, food services, custodial services, maintenance, curriculum, media services, libraries, nursing, and warehousing, shall be subject to negotiation between the educational enhancement center and the school district and paid for out of the revenues of the educational enhancement center. Disputes with regard to costs of services requested from school districts shall be adjudicated by the State Board of Education.

(f) An educational enhancement center shall be eligible to receive other aids, grants, Medicaid revenue, and other revenue according to Florida law. Federal aid received by the state shall be used to benefit students in an educational enhancement center if the student qualifies for the aid.

(g) An educational enhancement center may negotiate and contract directly with third parties for the purchase of books, instructional materials, and any other goods and services.

(8) **IMMUNITY AND LIABILITY.**—Educational enhancement centers shall have the same immunity to suit possessed by school districts, as limited by s. 768.28, Florida Statutes. If a school district generally indemnifies its teaching personnel, it shall similarly indemnify the teaching personnel of an educational enhancement center within that school district. An educational enhancement center shall have the authority to indemnify its employees to the extent that they are not already indemnified by the school district.

(9) **VIOLATIONS.**—

(a) An individual or group of individuals may complain to an educational enhancement center's governing board concerning any alleged violation of the provisions of this section by the center. If, after presenting a complaint to the governing board, an individual or group believes its complaint has not been adequately addressed, the complaint may be submitted to the State Board of Education, which shall hear and decide the issue pursuant to Florida law.

(b) Approval for establishment or continuation of an educational enhancement center shall be for up to a 5-year period. However, the authorization to operate may be revoked by the district school board at any time if the governing board of the educational enhancement center or center personnel:

1. Materially violate provisions contained in the authorization to operate;
2. Fail to meet or pursue the objectives contained in the authorization to operate;
3. Fail to comply with fiscal accountability procedures as specified in the authorization to operate; or
4. Violate provisions of law that have not been granted waiver by the district school board.

(c) After denial of an authorization to operate or prior to nonrenewal or revocation of an authorization to operate, the district school board shall hold a hearing on any issues in controversy.

(10) **LIMIT ON NUMBER OF SCHOOLS.**—The number of educational enhancement centers established during each year shall be limited to no more than three educational enhancement centers in each school district with 50,000 or more students and no more than one educational enhancement center in each school district with fewer than 50,000 students. This limitations shall not apply to the conversion of developmental research schools to educational enhancement centers.

(11) **ADDITIONAL STANDARDS.**—

(a) No student tuition or mandatory fees may be charged by any educational enhancement center.

(b) An educational enhancement center may include any grade up to grade 12 or any configuration of those grades, including prekindergar-

ten. If specified in its authorization to operate, an educational enhancement center may also operate an adult education program, an adult high school completion program, or a general education development testing preparation program.

(c) It is the intent of the Legislature that priority consideration be given to educational enhancement center applications designed to increase the educational opportunities of academically and behaviorally at-risk students.

(d) Transportation of educational enhancement center students shall be provided by the educational enhancement center consistent with the requirements of chapter 234, Florida Statutes. The governing board of the educational enhancement center may provide transportation through an agreement or contract with the district school board, a private provider, or parents. The educational enhancement center shall ensure that transportation is not a barrier to equal access for any student admitted to the educational enhancement center.

(e) A student who is not under suspension or expulsion for discipline reasons may withdraw from an educational enhancement center at any time and enroll in another public school in the school district in which such student resides, as determined by the school district. A student may be suspended or expelled from an educational enhancement center in accordance with the school district rules for suspensions and expulsions, and other public schools may give full faith to that suspension or expulsion.

(f) The governing board of an educational enhancement center shall be subject to the public meetings and records requirements pursuant to s. 286.011, Florida Statutes.

(12) **APPLICABILITY OF FLORIDA STATUTES.**—The following provisions of Florida Statutes shall be binding on educational enhancement centers and may not be waived: ss. 228.093, 228.2001, 229.58, 229.591, 229.592, 231.02, 231.15, 231.17, 231.36, 232.0315, 232.032, 235.26, 237.34, 286.011, 633.025, and 768.28 and chapters 234 and 553, Florida Statutes.

Section 2. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: 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.

POINT OF ORDER

Senator Sullivan raised a point of order that pursuant to Rule 7.1 **Amendment 1** contained language of a bill not reported favorably by a Senate committee and was therefore out of order.

RULING ON POINT OF ORDER

The President ruled the point well taken and the amendment out of order.

Senator Holzendorf moved the following amendment:

Amendment 2 (with title amendment)—On page 24, between lines 5 and 6, insert:

Section 8. Educational enhancement centers.—

(1) **SHORT TITLE.**—This section may be cited as the "Educational Enhancement Act of Florida."

(2) **LEGISLATIVE PURPOSE.**—The purpose of educational enhancement centers is to provide an alternative within the public education system for average and below average students, and those whose discipline records indicate suspension or expulsion is imminent, by offering opportunities for groups of public school personnel in partnership with parents and community members to establish and maintain a public school program according to the terms of its authorization to operate. Educational enhancement centers are intended to be vanguards and laboratories and an expression of the ongoing and vital state interest in the improvement of schools. These educational enhancement centers shall be vehicles for research and development in areas such as curriculum, pedagogy, administration, materials, facilities, governance, parent relations and involvement, social development, instructor's and administrator's responsibilities, working conditions, and fiscal accountability. It is the intent of the Legislature to create within the public school system vehicles for innovative learning opportunities to be utilized and evaluated in pilot projects. The provisions of this section are to be interpreted liberally to support the purposes set forth herein and to advance a renewed commitment by the state to the mission, goals, and diversity of public education. It is the intent of the Legislature to provide opportunities for public school personnel, parents, students, and community members to establish and maintain public schools that operate independently, but within the existing public school district structure, as a method to accomplish all of the following:

(a) Improve student learning by creating schools with rigorous student academic performance standards in all basic areas of instruction.

(b) Increase learning opportunities for all students, with a special interest on expanded learning experiences for students who are identified as academically and behaviorally at risk, including students identified as candidates for alternative school programs designed to provide intervention for those students who are disruptive and incapable of continuing in a traditional school environment.

(c) Encourage the use of innovative teaching methods in small classes.

(d) Create opportunities for teachers, including the opportunity to be responsible for the learning program at the center site.

(e) Provide parents and students with expanded choices in the types of educational opportunities that are available within the public school system.

(f) Hold the centers established under this section accountable for meeting publicly reviewed, measurable academic results, and provide the centers with a method to implement teacher-based and student-based accountability systems.

(g) Encourage parental and community involvement with public schools.

(3) AUTHORIZATION TO OPERATE.—

(a) The district school board may grant, in response to an application, authorization to operate a single educational enhancement center for up to 5 years, subject to renewal for additional 5-year periods.

(b) Authorization to operate as an educational enhancement center shall be granted only to a group of public school personnel in partnership with parents of students to be enrolled and community members. Schools authorized to operate as educational enhancement centers shall be existing public schools currently operating or new schools to be located in facilities that meet the State Uniform Building Code for Public Educational Facilities Construction.

(c) No existing public school shall be converted into an educational enhancement center unless a majority of the parents or guardians of the students currently assigned to the school and a majority of the certified teaching personnel currently assigned to the school approve the proposed completed application for authorization to operate as an educational enhancement center.

(d) Each proposed authorization to operate as an educational enhancement center for a newly created public school must demonstrate to the district school board in the application that there are a number of certified teaching personnel equal to at least a majority of the number of such personnel that will be required to staff the proposed center who

desire to participate in it, and a number of parents or guardians of eligible children equal to at least a majority of the number of students that would attend the proposed center who desire to have their children participate in it.

(e) No teacher shall be required to teach in an educational enhancement center. Students who have been identified by teachers, parents, school counselors, and principals as candidates for programs designed to provide intervention for those students who are disruptive in the traditional school environment may be assigned to an educational enhancement center. The district school board shall make accommodations to facilitate the transfer of students to and from educational enhancement centers. The district school board and the collective bargaining agent for teachers in the school district shall make accommodations to facilitate the transfer of teaching staff and other personnel who do not wish to be employed in an educational enhancement center.

(f) A private school, parochial school, or home education program shall not be eligible for educational enhancement center status. Students who attend a private or parochial school shall not be eligible for enrollment in an educational enhancement center for 1 school year following their withdrawal from a private or parochial school.

(4) PROCEDURE FOR CREATION OF EDUCATIONAL ENHANCEMENT CENTERS.—

(a) An application to establish an educational enhancement center shall be made to the district school board.

(b) The district school board shall make a determination regarding the granting of an authorization to operate as an educational enhancement center upon receiving a completed application which contains all of the information deemed necessary to fully address the following issues. The application shall:

1. Be submitted to the district school board no later than November 1 of the school year prior to the school year in which the educational enhancement center is to be operational.

2. Describe the mission of the educational enhancement center, measurable objectives, methods of providing the education program, and the process for improving student learning, fulfilling the authorization to operate as an educational enhancement center, and fulfilling state and national education goals and standards.

3. Provide for a minimum of 180 days per year of instruction to students.

4. Indicate performance criteria that will be used to measure student learning and to comply with the authorization to operate as an educational enhancement center, state education goals as prescribed in s. 229.591, Florida Statutes, and national education goals and standards. At a minimum, students in an educational enhancement center must participate in the statewide assessment program.

5. Include an agreement to provide an annual report as required by s. 229.592, Florida Statutes, to parents, the community, and the district school board, which indicates the progress in meeting the measurable objectives during the previous year.

6. Present a plan for the governance, administration, and operation of the educational enhancement center. The plan shall include the method of selection, membership, roles, and responsibilities of the school advisory council as authorized by s. 229.58, Florida Statutes, which shall function as the governing board of the educational enhancement center. The plan shall also include a description of the nature and extent of parental, professional educator, and community involvement in the governance and operation of the educational enhancement center, and the means of ensuring accountability to the district school board and the community.

7. Identify the building that will house the educational enhancement center and from whom and under what terms and conditions it is to be provided. Any newly created educational enhancement center must be housed in an appropriate facility which meets the Uniform Code for Public Education Facilities Construction adopted pursuant to s. 235.26, Florida Statutes, or applicable state minimum building codes pursuant to chapter 553, Florida Statutes, and state minimum fire protection codes pursuant to s. 633.025, Florida Statutes, as adopted by the authority in whose jurisdiction the facility is located.

8. Describe the support services to be provided by the school district and under what terms and conditions those services are to be provided. The application shall describe the support services the educational enhancement center will obtain directly from third parties and, to the extent known, under what terms and conditions those services are to be provided.

9. Explain the procedures that will be followed to ensure the health and safety of center staff and students.

10. Describe the admission requirements and the application and enrollment procedures to be used to select students for enrollment in the educational enhancement center. It is the intent of the Legislature that priority consideration be given to students who are academically and behaviorally at risk. To this end, admission requirements may include: a willingness on the part of the student and the student's parent or guardian to adhere to the rules in a student/parent contract as the rules apply to excellent attendance, exemplary conduct, and commitment to the program; student scores in the lower quartile on the reading and mathematics sections of the norm-referenced test administered at grade 4 or grade 8; a grade point average of 2.0 or below for grades 9 through 12; a writing score on Florida Writes of 2 or below; a history of grades which are not consistent with documented levels of ability; and a history of absenteeism, grade retentions, failing grades, or habitual disruptive behavior. The names of students who meet the admission requirements shall be placed in a lottery from which names will be drawn until grade level capacity, building capacity, racial balance, and gender balance are achieved for the proposed educational enhancement center. Students with disabilities and students who are not proficient in the English language shall have an equal opportunity of being selected for enrollment in an educational enhancement center.

11. Explain the student discipline procedures.

12. Explain the relationship that will exist between the proposed educational enhancement center's governing board and its employees and the school district, including the terms and conditions of employment and the qualifications that the employees must meet. The governing board of the educational enhancement center shall be responsible for hiring, evaluating, and terminating personnel who work at the educational enhancement center. Teachers and administrators in educational enhancement centers must be certified pursuant to state law and rule or meet the requirements of s. 231.15(1), Florida Statutes, regarding employment of noncertificated personnel to teach in the individual's field of speciality. Teachers, administrators, and noninstructional personnel in educational enhancement centers shall remain employees of the school district for purposes of salary, financial benefits, and pension eligibility. Teachers and noninstructional personnel at the educational enhancement center shall remain members of the collective bargaining unit for teachers and noninstructional personnel in the school district and shall have access to the grievance and dispute resolution procedures set forth in the collective bargaining agreement with the school district. New teachers and noninstructional personnel at the educational enhancement center shall have the right to choose to become members of the collective bargaining unit.

13. Provide a listing of the statutes and rules from which the educational enhancement center intends to be exempt. An educational enhancement center shall operate in accordance with its authorization to operate and shall be exempt from all statutes of the Florida School Code, except those pertaining to civil rights and student health, safety, and welfare, or as otherwise required by this section. An educational enhancement center shall not be exempt from the following statutes; chapter 119, Florida Statutes, relating to public records, and s. 286.011, Florida Statutes, relating to public meeting and records, public inspection, and penalties.

14. Provide a financial plan, including a proposed budget for the term of the authorization to operate, an annual audit of the financial and administrative operations of the educational enhancement center, and the manner in which the funds allocated to the educational enhancement center will be managed and disbursed. If an authorization to operate is not renewed or is terminated, the governing board of the educational enhancement center is responsible for all debts of the educational enhancement center. The district may not assume the debt from any contract for services made between the governing board of the center and a third party, except for a debt that is previously detailed and agreed upon in writing by both the district and the governing board of the center.

15. Provide procedures by which teaching personnel and parents can legally challenge decisions of the governing board of the center which do not conform to the center's authorization to operate.

16. Provide a copy of the proposed bylaws of the educational enhancement center.

17. Provide a description of the manner in which the educational enhancement center will be insured, including whether or not the center will be required to have liability insurance, and if so, the terms and conditions thereof and the amounts of coverage.

(5) ESTABLISHMENT AT AN EXISTING SCHOOL OR A NEWLY CREATED SCHOOL.—

(a) In those instances when an authorization to operate as an educational enhancement center is being sought for an existing public school, the application for authorization to operate must receive the affirmative vote of a majority of the teachers assigned to the center prior to implementation. The application for authorization to operate shall be voted on by the parents or guardian of each student assigned to the center, with one vote being cast for each student. To be adopted by the parents or guardians, the application for authorization to operate must receive the affirmative vote of parents or guardians representing a majority of all students assigned to the center or intending to seek assignment to the educational enhancement center. Such application for authorization to operate may then be presented to the district school board for its approval. The application for authorization to operate shall set forth those provisions of state statute and rule, of school district rule, and of the collective bargaining agreement which will not be applicable to that educational enhancement center. By majority vote of the teachers, as provided for in this paragraph, said teachers shall be deemed to have given their consent to the waivers from those provisions of law, rule, or the collective bargaining agreement enumerated in the application for authorization to operate. By approval of the application for authorization to operate, the district school board shall be deemed to have authorized all necessary waivers from law and rule enumerated in the application for authorization to operate. Should the need for relief from the operation of additional provisions of law, rule, or the collective bargaining agreement become apparent subsequent to implementation of the authorization to operate, such a waiver may be obtained by an affirmative vote of the district school board.

(b) In those instances when an authorization to operate as an educational enhancement center is being sought for a newly created educational enhancement center, the application for authorization to operate must receive the affirmative vote of a number of certified teachers currently employed by the school board at least equal to a majority of the number of teachers that will be required to staff the proposed educational enhancement center. Said teachers must state their desire to transfer to the educational enhancement center, once established, and to teach under the terms of the authorization to operate. To demonstrate parental support within the school district, the application for authorization to operate must receive the affirmative vote of parents or guardians representing a number of students currently enrolled in a public school in the school district equal to a majority of the number of students by grade level who would be needed to attend the proposed educational enhancement center. Said parents or guardians must state their desire to have their children transfer to the educational enhancement center, once established, and to be educated under the terms of the authorization to operate. The application for authorization to operate may then be presented to the district school board for its approval. The application for authorization to operate shall set forth those provisions of state statute and rule, of school district rule, and of the collective bargaining agreement which will not be applicable to that educational enhancement center. By a majority vote of the teachers, as provided for in this paragraph, said teachers shall be deemed to have given their consent to the waivers to those provisions of law, rule, or the collective bargaining agreement enumerated in the application for authorization to operate. By approval of the application for authorization to operate by the district school board, the district school board shall be deemed to have authorized all necessary waivers from law and rule enumerated in the application for authorization to operate. Should the need for relief from the operation of additional provisions of law, rule, or the collective bargaining agreement become apparent subsequent to implementation of the authorization to operate, such a waiver may be obtained by an affirmative vote of a majority of the teachers then assigned to the center and by an affirmative vote of the district school board.

(6) PROCESS FOR CONSIDERATION OF PROPOSED AUTHORIZATION TO OPERATE AN EDUCATIONAL ENHANCEMENT CENTER.—

(a) If the district school board finds an application to be incomplete, further information may be requested and required. The Commissioner of Education shall develop rules for amending an approved authorization to operate, consistent with the provisions of this section.

(b) After having received a completed application, the district school board shall provide for a public comment period of not less than 45 days, during which time shall be held at least two public hearings on the application. These hearings shall be held in the school district where the proposed educational enhancement center is to be located. Any person may file with the district school board recommendations and/or objections relevant to the granting of an authorization to operate.

(c) A copy of the completed application for an educational enhancement center shall be provided to the collective bargaining agent for the teachers in that school district at the time that it is filed with the district school board. Any objections and recommendations regarding the application for authorization to operate as an educational enhancement center shall be considered and responded to by the district school board before making any recommendation regarding the approval of the application.

(d) The district school board shall decide whether or not to recommend the granting of an authorization to operate within 60 days after the completed application is received. The educational enhancement center must be operational at the beginning of the school year following the approval of the application for authorization to operate.

(e) All applications for authorization to operate as an educational enhancement center must be matters of public record and shall be provided to members of the public upon request.

(7) REVENUE.—Students enrolled in an educational enhancement center shall be funded as if they are in a basic program or a special program, the same as students enrolled in other public schools in the school district.

(a) Each educational enhancement center shall report its student enrollment to the district school board. The district school board shall include each educational enhancement center's enrollment in the district's report of student enrollment as required under s. 236.081, Florida Statutes.

(b) In determining the annual appropriation for public schools, the student enrollment in educational enhancement centers and other schools operated by the district school board shall be used to calculate the district's total potential revenue per student allocation. An administration fee of 5 percent of the total funds passed through the school district to the educational enhancement center may be retained by the school district.

(c) The agreement for funding students enrolled in a educational enhancement center shall be the districtwide expenditure rate per full-time equivalent student (FTE) in comparable basic and special programs. The FTE expenditure rate shall be the total program cost from the district general fund and shall be determined from the center and district cost report required under s. 237.34, Florida Statutes.

(d) If the district school board is providing programs or services to students funded by federal funds, any eligible students enrolled in educational enhancement centers in the school district shall be provided federal funds for the same level of service provided students in the schools operated by the district school board.

(e) All services centrally or otherwise provided by a school district in which an educational enhancement center is located which the educational enhancement center decides to utilize, including, but not limited to, transportation, food services, custodial services, maintenance, curriculum, media services, libraries, nursing, and warehousing, shall be subject to negotiation between the educational enhancement center and the school district and paid for out of the revenues of the educational enhancement center. Disputes with regard to costs of services requested from school districts shall be adjudicated by the State Board of Education.

(f) An educational enhancement center shall be eligible to receive other aids, grants, Medicaid revenue, and other revenue according to Florida law. Federal aid received by the state shall be used to benefit students in an educational enhancement center if the student qualifies for the aid.

(g) An educational enhancement center may negotiate and contract directly with third parties for the purchase of books, instructional materials, and any other goods and services.

(8) IMMUNITY AND LIABILITY.—Educational enhancement centers shall have the same immunity to suit possessed by school districts, as limited by s. 768.28, Florida Statutes. If a school district generally indemnifies its teaching personnel, it shall similarly indemnify the teaching personnel of an educational enhancement center within that school district. An educational enhancement center shall have the authority to indemnify its employees to the extent that they are not already indemnified by the school district.

(9) VIOLATIONS.—

(a) An individual or group of individuals may complain to an educational enhancement center's governing board concerning any alleged violation of the provisions of this section by the center. If, after presenting a complaint to the governing board, an individual or group believes its complaint has not been adequately addressed, the complaint may be submitted to the State Board of Education, which shall hear and decide the issue pursuant to Florida law.

(b) Approval for establishment or continuation of an educational enhancement center shall be for up to a 5-year period. However, the authorization to operate may be revoked by the district school board at any time if the governing board of the educational enhancement center or center personnel:

1. Materially violate provisions contained in the authorization to operate;
2. Fail to meet or pursue the objectives contained in the authorization to operate;
3. Fail to comply with fiscal accountability procedures as specified in the authorization to operate; or
4. Violate provisions of law that have not been granted waiver by the district school board.

(c) After denial of an authorization to operate or prior to nonrenewal or revocation of an authorization to operate, the district school board shall hold a hearing on any issues in controversy.

(10) LIMIT ON NUMBER OF SCHOOLS.—The number of educational enhancement centers established during each year shall be limited to no more than three educational enhancement centers in each school district with 50,000 or more students and no more than one educational enhancement center in each school district with fewer than 50,000 students. This limitations shall not apply to the conversion of developmental research schools to educational enhancement centers.

(11) ADDITIONAL STANDARDS.—

(a) No student tuition or mandatory fees may be charged by any educational enhancement center.

(b) An educational enhancement center may include any grade up to grade 12 or any configuration of those grades, including prekindergarten. If specified in its authorization to operate, an educational enhancement center may also operate an adult education program, an adult high school completion program, or a general education development testing preparation program.

(c) It is the intent of the Legislature that priority consideration be given to educational enhancement center applications designed to increase the educational opportunities of academically and behaviorally at-risk students.

(d) Transportation of educational enhancement center students shall be provided by the educational enhancement center consistent with the requirements of chapter 234, Florida Statutes. The governing board of the educational enhancement center may provide transportation through an agreement or contract with the district school board, a

private provider, or parents. The educational enhancement center shall ensure that transportation is not a barrier to equal access for any student admitted to the educational enhancement center.

(e) A student who is not under suspension or expulsion for discipline reasons may withdraw from an educational enhancement center at any time and enroll in another public school in the school district in which such student resides, as determined by the school district. A student may be suspended or expelled from an educational enhancement center in accordance with the school district rules for suspensions and expulsions, and other public schools may give full faith to that suspension or expulsion.

(f) The governing board of an educational enhancement center shall be subject to the public meetings and records requirements pursuant to s. 286.011, Florida Statutes.

(12) **APPLICABILITY OF FLORIDA STATUTES.**—The following provisions of Florida Statutes shall be binding on educational enhancement centers and may not be waived: ss. 228.093, 228.2001, 229.58, 229.591, 229.592, 231.02, 231.15, 231.17, 231.36, 232.0315, 232.032, 235.26, 237.34, 286.011, 633.025, and 768.28 and chapters 234 and 553, Florida Statutes.

(Renumber subsequent section.)

And the title is amended as follows:

On page 2, line 4, after the semicolon (;) insert: 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;

POINT OF ORDER

Senator Sullivan raised a point of order that pursuant to rule 7.1 **Amendment 2** contained language of a bill not reported favorably by a Senate committee and was therefore out of order.

RULING ON POINT OF ORDER

The President ruled the point well taken and the amendment out of order.

Senator Jenne moved the following amendment:

Amendment 3 (with title amendment)—On page 24, between lines 5 and 6, insert:

Section 8. (1) Subsection (5) of section 24.121, Florida Statutes, is amended to read:

24.121 Allocation of revenues and expenditure of funds for public education.—

(5)(a) Public educational programs and purposes funded by the Educational Enhancement Trust Fund may include, but are not limited to, endowment, scholarship, matching funds, direct grants, research and economic development related to education, salary enhancement, contracts with independent institutions to conduct programs consistent with the state master plan for postsecondary education, or any other educational program or purpose deemed desirable by the Legislature.

(b) Except as provided in paragraphs (c) and (d), the Legislature shall equitably apportion moneys in the trust fund among public schools, community colleges, and universities. *The moneys apportioned to public schools under this paragraph shall be distributed in the following manner. Moneys shall be allocated to each school in an equal amount for each student enrolled. These moneys may be expended only on programs or projects selected by the school advisory council. If a school does not have a school advisory council, the district advisory council shall appoint a committee composed of parents of students enrolled in that school, which committee is representative of the ethnic, racial, and economic community served by the school, to advise the school's principal on the program*

or projects to be funded. A principal may not override the recommendations of such a committee. These moneys may not be used for capital improvements, nor may they be used for any project or program that has a duration of more than 1 year; however, a school advisory council or parent advisory committee may independently determine that a program or project formerly funded under this paragraph should receive funds in a subsequent year.

(c) A portion of such net revenues, as determined annually by the Legislature, shall be distributed to each school district and shall be made available to each public school in the district for enhancing school performance through development and implementation of a school improvement plan pursuant to s. 230.23(18).

(d) Beginning July 1, 1993, no funds shall be released for any purpose from the Educational Enhancement Trust Fund to any school district in which one or more schools do not have an approved school improvement plan pursuant to s. 230.23(18).

(2) This section shall take effect July 1, 1996.

And the title is amended as follows:

On page 1, line 2, after the semicolon (;) insert: amending s. 24.121, F.S.; prescribing guidelines for expenditure of lottery funds allocated to public schools; providing an effective date.

POINT OF ORDER

Senator Sullivan raised a point of order that pursuant to rule 7.1 **Amendment 3** contained language of a bill not reported favorably by a Senate committee and was therefore out of order.

RULING ON POINT OF ORDER

The President ruled the point well taken and the amendment out of order.

Senator Johnson moved the following amendment which failed:

Amendment 4—On page 6, after line 11, insert:

Section . Subject to application, enrollment of a private, parochial, or home school student into an approved charter school shall be granted for the beginning of the school term following said student's current school semester as recognized by the district in which the charter school is located. Said charter school shall be operational at the time that the student's application for enrollment is made.

(Renumber subsequent sections.)

Senators Hargrett and Holzendorf offered the following amendment which was moved by Senator Hargrett and failed:

Amendment 5 (with title amendment)—On page 21, line 20 through page 24, line 5, delete those lines and renumber subsequent section.

And the title is amended as follows:

On page 1, line 30 through page 2, line 4, delete those lines

The vote was:

Yeas—13 Nays—25

MOTION

On motion by Senator Jennings, the rules were waived and time of recess was extended until final action on **HB 403**.

On motion by Senator Sullivan, by two-thirds vote **HB 403** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32 Nays—8

MOTION

On motion by Senator Jennings, the rules were waived and by two-thirds vote **HB 403**, **SB 3126**, **SB 1290**, **SB 2890**, **CS for SB 1280**, **CS**

for CS for SB 16, CS for SB 1096, SB 1870, SB 1850, SB 148, CS for SB 2832, SB 486, SB 666, CS for SB 698, CS for CS for SB 228, CS for SB 910, SB 820, SB 2368, HB 157, SB 1812, SB 1278, SB 1274, CS for SB 222, CS for SB's 386, 732 and 1208, CS for SB 892, SB 2760 and CS for SB 2008 were established as the Special Order Calendar for the afternoon session this day.

RECESS

On motion by Senator Jennings, the Senate recessed at 1:15 p.m. to reconvene at 2:15 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 2:00 p.m. A quorum present—29:

Beard	Dyer	Jennings	Thomas
Bronson	Forman	Johnson	Turner
Brown-Waite	Grant	Jones	Weinstein
Casas	Harden	Kirkpatrick	Wexler
Childers	Hargrett	Kurth	Williams
Crist	Harris	Meadows	
Dantzler	Holzendorf	Ostalciewicz	
Diaz-Balart	Horne	Rossin	

CLAIM BILL CALENDAR, continued

SENATOR CRIST PRESIDING

On motion by Senator Jones, by two-thirds vote **CS for HB 1155** was withdrawn from the Special Master; and the Committees on Judiciary; and Ways and Means.

On motion by Senator Jones—

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.

—a companion measure, was substituted for **SB 2728** and read the second time by title. On motion by Senator Jones, by two-thirds vote **CS for HB 1155** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34 Nays—None

On motion by Senator Weinstein, by two-thirds vote **CS for HB 675** was withdrawn from the Special Master; and the Committees on Judiciary; and Ways and Means.

On motion by Senator Weinstein—

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.

—a companion measure, was substituted for **SB 2730** and read the second time by title. On motion by Senator Weinstein, by two-thirds vote **CS for HB 675** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35 Nays—None

Consideration of **SB 2884** was deferred.

On motion by Senator Wexler, by two-thirds vote **HB 1985** was withdrawn from the Special Master; and the Committees on Judiciary; and Ways and Means.

On motion by Senator Wexler—

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.

—a companion measure, was substituted for **SB 2934** and read the second time by title. On motion by Senator Wexler, by two-thirds vote **HB 1985** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30 Nays—None

On motion by Senator Wexler, by two-thirds vote **HB 2703** was withdrawn from the Special Master; and the Committees on Judiciary; and Ways and Means.

On motion by Senator Wexler—

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.

—a companion measure, was substituted for **SB 3072** and read the second time by title. On motion by Senator Wexler, by two-thirds vote **HB 2703** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31 Nays—1

RECONSIDERATION OF BILL

On motion by Senator Bronson, the Senate reconsidered the vote by which—

SB 1218—A bill to be entitled An act for the relief of Jesse Hill; providing an appropriation to compensate him for damages sustained as a result of the tortious conduct and negligence of the Department of Corrections; providing an effective date.

—as amended failed to pass this day.

On motion by Senator Turner, **SB 1218** as amended was read by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—20 Nays—16

On motion by Senator Silver, by two-thirds vote **CS for HB 2007** was withdrawn from the Special Master; and the Committees on Judiciary; and Ways and Means.

On motion by Senator Silver—

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.

—a companion measure, was substituted for **SB 2884** and read the second time by title. On motion by Senator Silver, by two-thirds vote **CS for HB 2007** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32 Nays—None

RECONSIDERATION OF BILL

On motion by Senator Latvala, the Senate reconsidered the vote by which—

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.

—failed to pass this day. The vote was:

Yeas—22 Nays—15

On motion by Senator Latvala, **CS for HB 489** was read by title, passed and certified to the House. The vote on passage was:

Yeas—22 Nays—15

LOCAL BILL CALENDAR

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

HB 1273—A bill to be entitled An act relating to the City of Flagler Beach, Flagler County; authorizing the extension and enlargement of the corporate limits of the city to include unincorporated real property in Volusia County; providing an effective date.

—a companion measure, was substituted for **SB 1122** and by two-thirds vote read the second time by title. On motion by Senator Bankhead, by two-thirds vote **HB 1273** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

SB 3022—A bill to be entitled An act relating to Lee County independent fire control districts; prescribing uniform criteria for operation of independent special fire-control districts; providing definitions; preempting certain special acts and general acts of local application; providing for district boards of commissioners and for their election; providing for officers of boards; providing for commissioners' compensation and expenses; providing general and special powers of districts; providing for ad valorem taxes, non-ad valorem assessments, user charges, bonds, and impact fees; providing for referenda; providing for intergovernmental coordination; providing for expansion, merger, and dissolution of districts; providing an effective date.

—was read the second time by title. On motion by Senator Dudley, by two-thirds vote **SB 3022** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

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

HB 2307—A bill to be entitled An act relating to Brevard County; amending chapter 71-544, Laws of Florida, as amended; changing the boundaries of Brevard County Recreation District Number Four; providing an effective date.

—a companion measure, was substituted for **SB 3082** and by two-thirds vote read the second time by title. On motion by Senator Bronson, by two-thirds vote **HB 2307** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

SB 3084—A bill to be entitled An act relating to Brevard County; amending chapter 94-419, Laws of Florida; providing limitations on issuance of licenses; requiring the production of valid licenses upon demand; requiring certain devices on board vessels used for harvesting; providing standards for certain harvesting practices; providing for the disposition of fees; providing a penalty; providing an effective date and an expiration date.

—was read the second time by title.

Senator Bronson moved the following amendment:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Chapter 94-419, Laws of Florida, is amended to read:

Section 1. A person, firm, or corporation may not harvest clams of the genus *Mercenaria* from the saltwaters of Brevard County without a valid clam license issued by the Department of Environmental Protection and a valid saltwater products license bearing an *RS* endorsement.

Section 2. (1) The Department of Environmental Protection shall issue a resident or nonresident clam license during a 61-day period beginning June 1 of each year, except that in 1994 the 61-day period shall begin on the effective date of this act. The term of the license begins on July 1 of the purchase year and ends on June 30 of the third succeeding year. The fee for a resident license is \$300, and the fee for a nonresident license is \$1,200. The license is valid only for the individual licensee to whom it is issued. The nonresident license must be readily distinguishable from the resident license.

(2) Only persons who are bona fide permanent residents of this state and firms and corporations that are organized under the laws of this state are eligible for the resident license. A person, firm, or corporation that has had its license to harvest shellfish in this state or any other state suspended or revoked is ineligible for either a resident or nonresident clam license for the duration of that suspension or revocation. Proof of eligibility must be by means of an affidavit sworn to by the applicant and additional documentation that shows, to the satisfaction of the Department of Environmental Protection, that the applicant is a natural person permanently residing in this state or is a firm or corporation organized under the laws of this state.

(3) A license may be purchased after the annual 61-day license issuance period upon the payment of an additional \$1,200 late fee to the department.

(4) Beginning June 1, 1996, no new clam licenses shall be issued by the Department of Environmental Protection until the total number of active and renewed clam licenses for Brevard County falls below 500 for the previous license year. In any year thereafter, the department may issue such additional new licenses to bring the total number of licenses issued for Brevard County up to a maximum of 500.

(5) Any clam licenses not renewed within 6 months after their expiration date are not eligible for renewal until additional new licenses also become available.

(6) Beginning with the 1996-1997 license year, the Department of Environmental Protection shall hold, on a semiannual basis, a required educational seminar of up to 8 hours, but not less than 4 hours, regarding harvesting, health standards, and any other issues appropriate to the health of the clam resources and the clamming industry. Proof of attendance at one such seminar per year is required before any clam license may be renewed for the 1997-1998 license year or subsequent license years.

~~(4) Any clam license issued by the Department of Environmental Protection for any other county of this state is valid in Brevard County as long as the total fee for the license is not less than the fee required by this act.~~

Section 3. Each person, firm, or corporation that holds a resident or nonresident clam license must produce such license, along with a valid saltwater products license bearing an *RS* endorsement, upon demand of any law enforcement officer, within a reasonable period of time after the demand is made.

Section 4. (1) The license required by this act may be issued in the form of an endorsement on the licensee's saltwater products license card. Each person, firm, or corporation that obtains a license under this act must prominently display the license number upon any vessel used, in numbers that are at least 8 inches in height and 1 inch in width and in such manner that the permit number is readily identifiable from both the air and the water. Only one vessel displaying a given number may be used at any time.

(2) Any vessel used for harvesting clams in Brevard County shall have on board a portable or U.S. Coast Guard-approved marine sanitation device having a holding tank and any thru valve shut and fixed in a closed position.

(3) All license holders harvesting clams by swimming at or below the surface of the water and using an underwater breathing apparatus must be certified divers. A person harvesting clams in such a manner may not use more than 150 feet of air hose and must have a diver down flag floating as close by as practical.

Section 5. The proceeds from the collection of license fees or civil penalties under this act, including any late fees, are to be deposited in the Marine Biological Research Trust Fund of the Department of Environmental Protection and, less reasonable administrative and educational costs, must be appropriated for the testing and reclassification of shellfish-harvesting waters in Brevard County. A portion of the proceeds, not less than 40 percent, must be used to mark those open and closed waters of Brevard County until all such waters are so marked. An additional portion of the proceeds, not to exceed \$200,000, may be used as matching funds for the construction of boat-launching facilities in various areas of benefit to and in coordination with the Brevard County clamming industry. The amount of these matching funds may not exceed 25 percent of the total projected costs of the launching facilities.

Section 6. (1) A person, firm, or corporation may not ship, transport, or otherwise carry by public or private carrier, vehicle, or vessel, within the limits of Brevard County, whether over the land, on water, or in the air, clams in numbers greater than those allowed by rules of the Marine Fisheries Commission.

(2) Subsection (1) does not prohibit a certified wholesale or retail dealer, or any person who is employed by such wholesale or retail dealer or is serving such wholesale or retail dealer, from transporting clams, taken lawfully and in lawful amounts, directly to a licensed, certified wholesale or retail dealer or shucking house. This act does not prohibit the removal and transportation of clams lawfully taken from an authorized clam lease by the leaseholder or his authorized agent.

Section 7. This act does not apply to a natural person possessing or harvesting clams in noncommercial quantities during open season designated by law or regulation.

Section 8. Any person, firm, or corporation that violates any of the provisions of this act is guilty of a misdemeanor of the second degree, punishable as provided in section 775.082 or section 775.083, Florida Statutes.

Section 9. (1) In addition to being subject to the other penalties provided in this act, a person, firm, or corporation that commits a major violation is subject to the following civil penalties:

(a) For a first major violation within a 7-year period, a civil penalty equal to the wholesale value of the illegal clams and suspension of the clam license for 90 days.

(b) For a second major violation within a 7-year period, a civil penalty of \$5,000 and suspension of the clam license for 12 months.

(c) For a third or subsequent major violation within a 7-year period, a civil penalty of \$5,000, lifetime revocation of the clam license, and forfeiture of all gear and equipment used in the violation.

(2) During any period of license suspension or revocation under this section, the licensee may not fish from any vessel that is harvesting clams.

(3) The Department of Environmental Protection may bring a civil action to enforce the civil penalties prescribed in this section.

(4) As used in this section, the term "major violation" includes:

(a) The possession of more than one bushel of undersized clams;

(b) The harvesting of clams more than 1/4 mile inside the boundaries of any closed area and at least 24 hours after that area has been closed; or

(c) The sale of clams harvested from any waters or leases that have not been tested and are not open at the time of the harvest.

Section 10. This act shall take effect upon becoming a law, and shall expire July 1, 2001, except that the amendments to sections 1 and 4(3) of chapter 94-419, Laws of Florida, 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 Brevard County; amending chapter 94-419, Laws of Florida; providing limitations on issuance of clam licenses; requiring the production of valid licenses upon demand; requiring certain devices on board vessels used for harvesting; providing standards for certain harvesting practices; providing for the disposition of fees; providing a penalty; providing effective dates and an expiration date.

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

Amendment 1A—On page 5, between lines 7 and 8, insert:

Section 8. This act shall not apply to any aquaculture operations licensed pursuant to chapter 370, Florida Statutes.

(Renumber subsequent sections.)

Amendment 1 as amended was adopted.

On motion by Senator Bronson, by two-thirds vote **SB 3084** 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

SB 3086—A bill to be entitled An act relating to the Bay County Law Library; amending chapter 69-835, Laws of Florida; amending the Law Library Fund fee charged in criminal cases in the county court; providing an effective date.

—was read the second time by title. On motion by Senator Harden, by two-thirds vote **SB 3086** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

On motion by Senator Dyer, by two-thirds vote **SB 3088** was removed from the Local Bill Calendar and withdrawn from further consideration.

SB 3094—A bill to be entitled An act relating to Okaloosa County, Ocean City-Wright Fire Control District; amending chapter 78-570, Laws of Florida; providing that the board of commissioners of the fire control district shall have the authority to establish by rule a schedule of reasonable charges for responding, standing by as a protective measure, or assisting in or mitigating emergencies that either threaten or may threaten the health and safety of persons within the district or at a location at which the district may be responding; providing other user fees; providing for the collection of fees and establishing lien rights; providing that the board of commissioners of the fire control district shall have the authority to establish a schedule of reasonable charges for responding to emergencies outside the district boundaries and for the collection and enforcement of such charges; providing an effective date.

—was read the second time by title.

Senator Harden moved the following amendments which were adopted:

Amendment 1—On page 2, lines 27-31, delete those lines and insert: *authority of section 7(1)(e) of this act.*

Amendment 2 (with title amendment)—On page 2, lines 6-12, delete those lines and insert: *The district is hereby authorized to charge a fee for the services rendered in accordance with such schedule.*

And the title is amended as follows:

On page 1, line 15, delete "and establishing lien rights"

Yeas—38 Nays—None

On motion by Senator Harden, by two-thirds vote **SB 3094** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38 Nays—None

CS for SB 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 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.

—was read the second time by title. On motion by Senator Rossin, by two-thirds vote **CS for SB 3098** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

SB 3104—A bill to be entitled An act relating to the Polk County School Board; providing that the School Board of Polk County may place a measure on the ballot in a general election to increase the number of Polk County School Board members from five to seven; providing an effective date.

—was read the second time by title. On motion by Senator Dantzler, by two-thirds vote **SB 3104** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

SB 3106—A bill to be entitled An act relating to Lee and Charlotte Counties; creating the Gasparilla Island Bridge Authority, a special taxing district; providing district boundaries; prescribing the purposes, powers, privileges, duties, liability, and officials; providing applicability of the provisions of ch. 189, F.S., to the district; providing definitions; providing for the appointment of the first governing board and the election and appointment of its future members; defining terms of office; prescribing duties, powers, and qualifications, and fixing compensation; providing for the setting of bridge toll rates by the district; providing for the levy of ad valorem taxes upon the lands in said district under certain circumstances and for the collection and enforcement thereof; providing the authority for the district to issue bonds and the authority to pledge revenues for the repayment of those bonds; providing the power of eminent domain; providing provisions with respect to the tax exemption of bonds, tax delinquency enforcement and liens relating thereto; specifying authority decisions requiring a majority vote; providing for interlocal cooperation; providing for fees or costs for the offices of the county property appraisers and tax collectors; providing for severability; providing an effective date.

—was read the second time by title. On motion by Senator Harris, by two-thirds vote **SB 3106** was read the third time by title, passed and certified to the House. The vote on passage was:

SB 3110—A bill to be entitled An act relating to the St. Lucie County Port and Airport Authority; providing definitions; reorganizing, updating, and clarifying provisions; providing for the continuing existence of the authority and of its rights and obligations, and clarifying its character as a political subdivision in the nature of a county; amending and reorganizing provisions relating to meetings, powers and duties of the authority, employees and consultants, travel expense, taxation, and bonding; deleting obsolete text relating to ad valorem taxation; authorizing the levy of non-ad valorem assessments and issuance of bonds secured thereby; clarifying purposes for which bonds may be issued; providing authority to enter trust agreements to secure bonds; declaring legislative intent; repealing chapter 88-515, Laws of Florida; providing for severability; providing an effective date.

—was read the second time by title. On motion by Senator Kurth, by two-thirds vote **SB 3110** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

SB 3112—A bill to be entitled An act relating to the St. Lucie County Erosion District; amending chapter 67-2001, Laws of Florida; providing said district shall be a political subdivision of the state; providing the board of county commissioners of the district shall be the St. Lucie County Commission; providing for meetings and applicability of chapter 189, F.S.; providing definitions; providing district powers; providing district board authorizations to amend, abolish, or consolidate existing district zone boundaries and determine benefits for the purpose of levying ad valorem taxes; providing district board authorization to levy and collect non-ad valorem assessments; providing district board authorization for issuance of bonds pursuant to general law and this act; repealing sections 25 and 26 of chapter 67-2001, Laws of Florida; providing an effective date.

—was read the second time by title. On motion by Senator Kurth, by two-thirds vote **SB 3112** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

SB 3116—A bill to be entitled An act relating to Broward County; repealing chapter 61-1951, Laws of Florida, authorizing the Board of County Commissioners to adopt rules and regulations requiring the fencing of public or residential swimming pools and for certain other matters related thereto; providing an effective date.

—was read the second time by title. On motion by Senator Weinstein, by two-thirds vote **SB 3116** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

SB 3118—A bill to be entitled An act relating to Broward County; repealing chapter 59-1150, Laws of Florida, which authorizes the Board of County Commissioners to establish a planning department and for certain other matters related thereto; providing an effective date.

—was read the second time by title. On motion by Senator Weinstein, by two-thirds vote **SB 3118** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

SB 3120—A bill to be entitled An act relating to Broward County; repealing chapter 69-902, Laws of Florida, which provides for the construction, acquisition, or purchase of airports and for certain other matters related thereto; providing an effective date.

—was read the second time by title. On motion by Senator Weinstein, by two-thirds vote **SB 3120** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

SB 3122—A bill to be entitled An act relating to Broward County, Florida; requiring that Broward County Charter Government establish, maintain, and revise a priority employment and recall list for full-time career service public safety personnel within Broward County; providing for implementation; providing an effective date.

—was read the second time by title. On motion by Senator Weinstein, by two-thirds vote **SB 3122** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

SPECIAL ORDER CALENDAR, continued**THE PRESIDENT PRESIDING**

SB 3126—A bill to be entitled An act relating to the establishment of congressional districts; providing definitions; dividing the state into congressional districts; providing for the inclusion of unlisted territory in contiguous districts; providing contiguity for areas specified for inclusion in one district which are entirely surrounded by other districts; providing for the election of representatives to Congress; providing for nomination and election of candidates from congressional districts created in 1996; providing for severability; providing effective dates.

—was read the second time by title. On motion by Senator Dudley, by two-thirds vote **SB 3126** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

Consideration of **SB 1290** was deferred.

The Senate resumed consideration of—

SB 2890—A bill to be entitled An act relating to state revenue limitations; providing procedures and requirements to implement the limitation on state revenues imposed by s. 1(e), Art. VII of the State Constitution; providing definitions; providing for calculation of the maximum amount of state revenue allowed; providing for adjustment of that amount; providing duties of the Comptroller, the Governor, the Division of Bond Finance of the State Board of Administration, and state governmental entities; specifying actions to be taken when revenue collections exceed the limitation; providing an appropriation to the Budget Stabilization Fund if action is not taken; providing for refunds to taxpayers under certain conditions; providing an effective date.

—which was previously considered this day. Pending **Amendment 1** by the Committee on Ways and Means was adopted. The vote was:

Yeas—24 Nays—8

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

Amendment 2—On page 2, between lines 17 and 18, insert:

7. Revenues collected by university direct support organizations, auxiliary enterprises of state universities, and university faculty practice plans.

(Renumber subsequent subparagraphs.)

The vote was:

Yeas—23 Nays—9

Senator McKay moved the following amendment which failed:

Amendment 3—On page 3, line 7, before the period (.) insert: , including, but not limited to debt service payments, amounts required for sinking funds and reserve funds, and amounts expended for operations and maintenance of the facilities financed by the bonds

RECONSIDERATION OF AMENDMENT

On motion by Senator McKay, the Senate reconsidered the vote by which **Amendment 3** failed. **Amendment 3** was adopted.

Senator McKay moved the following amendment which was adopted:

Amendment 4—On page 8, lines 19-21, delete those lines and insert:

Section 5. Duties of the State Board of Administration.—On or before August 15 of each year, the State Board of

Senator McKay moved that **SB 2890** as amended be read the third time by title. The motion failed to receive the required two-thirds vote. The vote was:

Yeas—20 Nays—14

CS for SB 1280—A bill to be entitled An act relating to crimes; providing a short title; amending s. 772.102, F.S.; including burglary within the definition of the term "criminal activity" for purposes of ch. 772, F.S., relating to civil remedies for criminal practices; amending s. 810.02, F.S.; providing that it is a felony of the first degree to commit burglary on an occupied or unoccupied structure and commit certain additional offenses that contribute to the commission of the burglary; amending s. 812.014, F.S.; providing that it is a felony of the first degree to commit grand theft and commit certain additional offenses that contribute to the commission of the grand theft; amending s. 812.019, F.S.; providing that it is a felony of the first degree to traffic in stolen property and commit certain additional offenses that contribute to the offense of trafficking in stolen property; amending s. 812.035, F.S.; authorizing the court to impose specified civil remedies against a defendant who violates 810.02, F.S., relating to burglary; amending s. 895.02, F.S.; including burglary 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 for certain offenses involving burglary, theft, or trafficking in stolen property; amending s. 921.0012, F.S., relating to the offense severity ranking chart; classifying certain offenses with respect to burglary, theft, and trafficking in stolen property; providing an effective date.

—was read the second time by title.

Amendments were considered to conform **CS for SB 1280** to **CS for HB 1863**.

Pending further consideration of **CS for SB 1280** as amended, on motion by Senator Silver, by two-thirds vote **CS for HB 1863** was withdrawn from the Committees on Criminal Justice; and Ways and Means.

On motion by Senator Silver—

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.

—a companion measure, was substituted for **CS for SB 1280** and read the second time by title. On motion by Senator Silver, by two-thirds vote **CS for HB 1863** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

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

CS for HB's 173, 1851 and 2547—A bill to be entitled An act relating to regulatory matters and criminal penalties related to driving or operating a vehicle or vessel under the influence; amending s. 322.292, F.S.; creating a DUI Commission in the Department of Highway Safety and Motor Vehicles; providing for the appointment of members and powers and duties; amending s. 322.293, F.S.; transferring the DUI Programs Coordination Trust Fund to the commission; providing for the uses of the trust funds; providing for assessment fees; repealing s. 322.095, F.S., relating to traffic law and substance abuse education program for driver's license applicants; amending s. 322.271, F.S., relating to driver license revocation, cancellation, or suspension, to include reference to the commission; amending s. 322.291, F.S.; providing reference to the commission; amending ss. 318.1451, 322.08, and 397.405, F.S.; correcting cross references to conform to the act; creating the "Christina Elina Garcia Act"; amending ss. 316.193, 782.071, and 782.072, F.S.; providing an enhanced penalty for the offense of DUI manslaughter that is the result of operating a motor vehicle or vessel if the person knew, or should have known, that the accident occurred and failed to give information and render aid; amending s. 90.803, F.S.; pertaining to admissibility of evidence; revising a cross reference to conform to changes made by the act; amending s. 316.193, F.S.; specifying the blood-alcohol level or breath-alcohol level that constitutes a crime; revising the penalty for a third or subsequent conviction for operating a vehicle while under the influence; extending the time period for penalty provisions; providing for a minimum period of consecutive incarceration; amending s. 316.1932, F.S.; providing for implied consent to submit to a blood test to detect chemical substances or controlled substances; providing that a blood test may be conducted in an ambulance or similar vehicle; amending s. 316.1934, F.S.; specifying the blood-alcohol level or breath-alcohol level that constitutes a crime; providing for presumptions relating to impairment to be based on blood-alcohol level or breath-alcohol level; amending s. 322.2615, F.S.; providing for suspension of a driver's license for an unlawful breath-alcohol level; amending s. 322.62, F.S.; specifying the blood-alcohol level or breath-alcohol level that constitutes a crime; providing for measurements of blood-alcohol level or breath-alcohol level of commercial motor vehicle operators; amending s. 322.64, F.S.; specifying the blood-alcohol level or breath-alcohol level that constitutes a crime; providing for transmission of breath or urine test results; disqualifying operators of commercial motor vehicles under certain circumstances; amending s. 327.30, F.S.; clarifying and conforming provisions relating to reporting collisions, accidents, and casualties to federal requirements; creating s. 327.301, F.S.; providing for written reports of boating accidents; conforming procedures to those used for motor vehicle accident reports; amending s. 327.31, F.S.; clarifying and conforming provisions relating to transmittal of information; removing an obsolete reference to the Division of Marine Resources; amending s. 327.35, F.S.; specifying the blood-alcohol level or breath-alcohol level that constitutes a crime; revising the penalties for subsequent convictions within specified periods for the offense of operating a vessel while under the influence; extending the time period for penalty provisions; providing for a minimum period of consecutive incarceration; clarifying and conforming provisions relating to boating under the influence to those for driving under the influence; providing penalties; repealing s. 327.351, F.S., relating to operation of a vessel while intoxicated; amending s. 327.352, F.S.; specifying the blood-alcohol level or breath-alcohol level that constitutes a crime; clarifying and conforming provisions relating to tests for boating under the influence to those for driving under the influence; repealing s. 327.3521, F.S., relating to failure to take a test for boating under the influence; amending s. 327.353, F.S.; clarifying and conforming provisions relating to blood tests for boating under the influence in cases of death or serious bodily injury to those for driving under the influence; amending s. 327.354, F.S.; specifying the blood-alcohol level or breath-alcohol level that constitutes a crime; providing for presumptions relating to impairment to be based on blood-alcohol level or breath-alcohol

level; clarifying and conforming provisions relating to presumptions of impairment in boating under the influence to those for driving under the influence; amending s. 327.36, F.S.; replacing an obsolete cross reference; conforming provisions relating to blood or breath alcohol level; amending s. 921.0012, F.S.; providing for assignment of certain felony vehicle and vessel offenses in the sentencing guidelines offense severity ranking chart; amending s. 550.24055, F.S., pertaining to certain pari-mutuel wagering licensees; revising a cross reference to conform to changes made by the act; amending s. 322.12, F.S.; providing for an additional fee to the reinstatement fee for a driver's license that was suspended or revoked for driving under the influence; providing for the disposition of the fee to prosecutors; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB 16** and by two-thirds vote read the second time by title.

Senator Burt moved the following amendment:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (8) of section 90.803, Florida Statutes, is amended to read:

90.803 Hearsay exceptions; availability of declarant immaterial.—The provision of s. 90.802 to the contrary notwithstanding, the following are not inadmissible as evidence, even though the declarant is available as a witness:

(8) **PUBLIC RECORDS AND REPORTS.**—Records, reports, statements reduced to writing, or data compilations, in any form, of public offices or agencies, setting forth the activities of the office or agency, or matters observed pursuant to duty imposed by law as to matters which there was a duty to report, excluding in criminal cases matters observed by a police officer or other law enforcement personnel, unless the sources of information or other circumstances show their lack of trustworthiness. The criminal case exclusion shall not apply to an affidavit otherwise admissible under s. 316.1934 ~~s. 316.1934(6)~~.

Section 2. Section 316.193, Florida Statutes, is amended to read:

316.193 Driving under the influence; penalties.—

(1) A person is guilty of the offense of driving under the influence and is subject to punishment as provided in subsection (2) if such person is driving or in actual physical control of a vehicle within this state and:

(a) The person is under the influence of alcoholic beverages, any chemical substance set forth in s. 877.111, or any substance controlled under chapter 893, when affected to the extent that the person's normal faculties are impaired; ~~or~~

(b) The person has a ~~blood-alcohol~~ ~~blood or breath alcohol~~ level of 0.08 percent or more grams of alcohol per 100 milliliters of blood; or higher.

(c) The person has a breath-alcohol level of 0.08 or more grams of alcohol per 210 liters of breath.

(2)(a) Except as provided in paragraph (b), subsection (3), or subsection (4), any person who is convicted of a violation of subsection (1) shall be punished:

1. By a fine of:

a. Not less than \$250 or more than \$500 for a first conviction.

b. Not less than \$500 or more than \$1,000 for a second conviction.

c. Not less than \$1,000 or more than \$2,500 for a third conviction; and

2. By imprisonment for:

a. Not more than 6 months for a first conviction.

b. Not more than 9 months for a second conviction.

c. Not more than 12 months for a third conviction.

(b) Any person who is convicted of a fourth or subsequent violation of this section is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084; however, the fine imposed for such fourth or subsequent violation ~~may shall~~ be not less than \$1,000.

(3) Any person:

- (a) Who is in violation of subsection (1);
- (b) Who operates a vehicle; and
- (c) Who, by reason of such operation, causes:

1. Damage to the property or person of another is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

2. Serious bodily injury to another, as defined in s. 316.1933, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. The death of any human being is guilty of DUI manslaughter, *and commits*:

a. A felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

b. A felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if:

(I) At the time of the accident, the person knew, or should have known, that the accident occurred; and

(II) The person failed to give information and render aid as required by s. 316.062.

This sub-subparagraph does not require that the person knew that the accident resulted in injury or death.

(4) Any person who is convicted of a violation of subsection (1) and who has a ~~blood-alcohol level blood~~ or ~~breath-alcohol breath-alcohol~~ level of 0.20 ~~or higher above~~, or any person who is convicted of a violation of subsection (1) and who at the time of the offense was accompanied in the vehicle by a person under the age of 18 years, shall be punished:

(a) By a fine of:

- 1. Not less than \$500 or more than \$1,000 for a first conviction.
- 2. Not less than \$1,000 or more than \$2,000 for a second conviction.
- 3. Not less than \$2,000 or more than \$5,000 for a third conviction.

(b) By imprisonment for:

- 1. Not more than 9 months for a first conviction.
- 2. Not more than 12 months for a second conviction.
- 3. Not more than 12 months for a third conviction.

For the purposes of this subsection, only the instant offense is required to be a violation of subsection (1) by a person who has a ~~blood-alcohol level blood~~ or ~~breath-alcohol breath-alcohol~~ level of 0.20 ~~or higher above~~.

(5) The court shall place any person convicted of violating this section on monthly reporting probation and shall require attendance at a substance abuse course licensed by the department; and the agency conducting the course may refer the person to an authorized ~~service provider agency~~ for substance abuse evaluation and treatment, in addition to any sentence or fine imposed under this section. Such person shall assume reasonable costs for such education, evaluation, and treatment, with completion of all such education, evaluation, and treatment being a condition of reporting probation. Such treatment resulting from a psychosocial evaluation may not be waived without a supporting psychosocial evaluation conducted by an agency appointed by the court and with access to the original evaluation. ~~The defendant shall bear the cost of this procedure shall be borne by the defendant.~~ The term "substance

abuse" means the abuse of alcohol or any substance named or described in Schedules I through V of s. 893.03. If a person referred to treatment under this subsection fails to report for or complete such treatment or fails to complete the substance abuse education course, the DUI program shall notify the court and the department of the failure. Upon receipt of such notice, the department shall cancel the person's driving privilege. The department shall reinstate the driving privilege when the person completes the substance abuse education course or enters treatment required under this subsection. The organization ~~that which~~ conducts the substance abuse education and evaluation ~~may shall~~ not provide required substance abuse treatment unless a waiver has been granted to that organization by the department. A waiver may ~~only~~ be granted ~~only if where~~ the department determines, in accordance with its rules, that the ~~service provider organization~~ that conducts the substance abuse education and evaluation is the most appropriate ~~HRS-licensed treatment service provider and is. All DUI treatment programs must be licensed under chapter pursuant to chapters 396 and 397 or is exempt from such licensure.~~ All DUI treatment programs providing treatment services on January 1, 1994, shall be allowed to continue to provide such services until the department determines whether a waiver should be granted. A statistical referral report shall be submitted quarterly to the department by each organization authorized to provide services under this section.

(6) With respect to any person convicted of a violation of subsection (1), regardless of any penalty imposed pursuant to subsection (2), subsection (3), or subsection (4):

(a) For the first conviction thereof, the court shall place the defendant on probation for a period not to exceed 1 year and, as a condition of such probation, shall order the defendant to participate in public service or a community work project for a minimum of 50 hours. In lieu of such participation, the court may order that any defendant pay an additional fine of \$10 for each hour of public service or community work otherwise required, if, after consideration of the residence or location of the defendant at the time such public service or community work is required, payment of the fine is in the best interests of the state. However, ~~in no event may~~ the total period of probation and incarceration ~~may not~~ exceed 1 year.

(b) For the second conviction *for an offense that occurs* within a period of 5 years from the date of a prior conviction for violation of this section, the court shall order imprisonment for not less than 10 days. At least 48 hours of confinement must be consecutive.

(c) For the third or *subsequent* conviction *for an offense that occurs* within a period of 10 ~~5~~ years from the date of a prior conviction for violation of this section, the court shall order imprisonment for not less than 30 days. *At least 48 hours of confinement must be consecutive.*

(d) In addition to the penalty imposed under paragraph (a), paragraph (b), or paragraph (c), the court shall also order the impoundment or immobilization of the vehicle that was driven by, or in the actual physical control of, the person who is convicted, unless the court finds that the family of the owner of the vehicle has no other public or private means of transportation. The period of impoundment or immobilization is 10 days, or, for the second conviction within 3 years, 30 days, or, for the third conviction within 5 years, 90 days and may not be concurrent with probation or imprisonment. If the vehicle is leased or rented, the period of impoundment or immobilization may not extend beyond the expiration of the lease or rental agreement. Within 7 business days after the date that the court issues the order of impoundment or immobilization, the clerk of the court shall send notice by certified mail, return receipt requested, to the registered owner of the vehicle if the registered owner is a person other than the person convicted under subsection (1) and to each person of record claiming a lien against the vehicle. All costs and fees for the impoundment or immobilization, including the cost of notification, must be paid by the owner of the vehicle or, if the vehicle is leased or rented, by the person leasing or renting the vehicle. The person who owns a vehicle that is impounded or immobilized under this paragraph, or a person *who has having* a lien of record against such a vehicle, may, within 10 days after the date that person has knowledge of the location of the vehicle, file a complaint in the county in which the owner resides to determine whether the vehicle was wrongfully taken or withheld from the owner or lienholder. Upon the filing of a complaint, the owner or lienholder may have the vehicle released by posting with the court a bond or other adequate security equal to the amount of the costs and fees for impoundment or immobilization, including towing or

storage, to ensure the payment of such costs and fees if the owner or lienholder does not prevail. When the bond is posted and the fee is paid as set forth in s. 28.24, the clerk of the court shall issue a certificate releasing the vehicle. At the time of release, after reasonable inspection, the owner or lienholder must give a receipt to the towing or storage company indicating any loss or damage to the vehicle or to the contents of the vehicle.

(e) A defendant, in the court's discretion, may be required to serve all or any portion of a term of imprisonment to which the defendant has been sentenced pursuant to this section in a residential alcoholism treatment program or a residential drug abuse treatment program. Any time spent in such a program must be credited by the court toward the term of imprisonment.

For the purposes of this section, a previous conviction for the violation of former s. 316.1931, former s. 860.01, or former s. 316.028, or a previous conviction outside this state for driving under the influence, driving while intoxicated, driving with an unlawful ~~blood-alcohol~~ ~~blood alcohol~~ level, ~~driving with an unlawful breath-alcohol level~~, or any other similar alcohol-related or drug-related traffic offense, is also considered a previous conviction for violation of this section. Notwithstanding any other provision of this section, \$100 shall be added to any fine imposed pursuant to this section, of which one-quarter shall be deposited in the Emergency Medical Services Trust Fund, one-half shall be deposited in the Criminal Justice Standards and Training Trust Fund of the Department of Law Enforcement to be used for operational expenses of the Division of Local Law Enforcement Assistance in conducting the statewide criminal analysis laboratory system established in s. 943.32, and one-quarter shall be deposited in the Brain and Spinal Cord Injury Rehabilitation Trust Fund created in s. 413.613. However, in satisfaction of the fine imposed pursuant to this section, the court may, upon a finding that the defendant is financially unable to pay either all or part of the fine, order that the defendant participate for a specified additional period of time in public service or a community work project in lieu of payment of that portion of the fine which the court determines the defendant is unable to pay. In determining such additional sentence, the court shall consider the amount of the unpaid portion of the fine and the reasonable value of the services to be ordered; however, the court ~~may~~ shall not compute the reasonable value of services at a rate less than the federal minimum wage at the time of sentencing.

(7) A conviction under the provisions of this section ~~does~~ shall not be a bar to any civil suit for damages against the person so convicted.

(8) At the arraignment, or in conjunction with any notice of arraignment provided by the clerk of the court, the clerk shall provide any person charged with a violation of this section with notice that upon conviction the court shall suspend or revoke the person's driver's license and that the person should make arrangements for transportation at any proceeding in which the court may take such action. Failure to provide such notice ~~does~~ shall not affect the court's suspension or revocation of the person's driver's license.

(9) A person who is arrested for a violation of this section may not be released from custody:

(a) Until the person is no longer under the influence of alcoholic beverages, any chemical substance set forth in s. 877.111, or any substance controlled under chapter 893 and affected to the extent that his or her normal faculties are impaired;

(b) Until the person's ~~blood-alcohol level or breath-alcohol~~ ~~blood alcohol~~ level is less than 0.05 percent; or

(c) Until 8 hours have elapsed from the time the person was arrested.

Section 3. Subsection (1) of section 316.1932, Florida Statutes, is amended to read:

316.1932 Breath, blood, and urine tests for alcohol, chemical substances, or controlled substances; implied consent; right to refuse. —

(1)(a) Any person who accepts the privilege extended by the laws of this state of operating a motor vehicle within this state ~~is~~ shall, by so operating such vehicle, be deemed to have given his or her consent to submit to an approved chemical test or physical test including, but not limited to, an infrared light test of his or her breath for the purpose of determining the alcoholic content of his or her blood or breath, and to a

urine test for the purpose of detecting the presence of chemical substances as set forth in s. 877.111 or controlled substances, if the person is lawfully arrested for any offense allegedly committed while the person was driving or was in actual physical control of a motor vehicle while under the influence of alcoholic beverages, chemical substances, or controlled substances. The chemical or physical breath test ~~must~~ shall be incidental to a lawful arrest and administered at the request of a law enforcement officer who has reasonable cause to believe such person was driving or was in actual physical control of the motor vehicle within this state while under the influence of alcoholic beverages. The urine test ~~must~~ shall be incidental to a lawful arrest and administered at a detention facility or any other facility, mobile or otherwise, which is equipped to administer such tests at the request of a law enforcement officer who has reasonable cause to believe such person was driving or was in actual physical control of a motor vehicle within this state while under the influence of controlled substances. The urine test shall be administered at a detention facility or any other facility, mobile or otherwise, which is equipped to administer such tests in a reasonable manner that will ensure the accuracy of the specimen and maintain the privacy of the individual involved. The administration of one type of test ~~does~~ shall not preclude the administration of another type of test. Such person shall be told that his or her failure to submit to any lawful test of his or her breath or urine, or both, will result in the suspension of the person's privilege to operate a motor vehicle for a period of 1 year for a first refusal, or for a period of 18 months if the driving privilege of such person has been previously suspended as a result of a refusal to submit to such a test or tests. The refusal to submit to a chemical or physical breath test or to a urine test upon the request of a law enforcement officer as provided in this section ~~is~~ shall be admissible into evidence in any criminal proceeding.

(b)1. The ~~blood-alcohol level must~~ ~~percent of alcohol in the blood~~ shall be based upon grams of alcohol per 100 milliliters of blood. ~~The breath-alcohol level must be based when analyzing blood, or upon grams of alcohol per 210 liters of breath when analyzing breath.~~

2. An analysis of a person's breath, in order to be considered valid under this section, must have been performed substantially according to methods approved by the Department of Law Enforcement. For this purpose, the department ~~may~~ is authorized to approve satisfactory techniques or methods. Any insubstantial differences between approved techniques and actual testing procedures in any individual case ~~do~~ does not render the test or test results invalid.

(c) Any person who accepts the privilege extended by the laws of this state of operating a motor vehicle within this state ~~is, by operating such vehicle, whose consent is implied as provided in this section shall be deemed to have given his consent~~ consented to submit to an approved blood test for the purpose of determining the alcoholic content of the blood or a blood test for the purpose of determining the presence of chemical substances or controlled substances as provided in this section ~~herein~~ if there is reasonable cause to believe such person was driving or in actual physical control of a motor vehicle while under the influence of alcoholic beverages, chemical substances, or controlled substances and such person appears for treatment at a hospital, clinic, or other medical facility and the administration of a breath or urine test is impractical or impossible. As used in this paragraph, the term "other medical facility" includes an ambulance or other medical emergency vehicle. The blood test shall be performed in a reasonable manner. Any person who is incapable of refusal by reason of unconsciousness or other mental or physical condition ~~is~~ shall be deemed not to have withdrawn his or her consent to such test. A blood test may be administered whether or not such person is told that his or her failure to submit to such a blood test will result in the suspension of the person's privilege to operate a motor vehicle upon the public highways of this state. Any person who is capable of refusal shall be told that his or her failure to submit to such a blood test will result in the suspension of the person's privilege to operate a motor vehicle for a period of 1 year for a first refusal, or for a period of 18 months if the driving privilege of such person has been suspended previously as a result of a refusal to submit to such a test or tests. The refusal to submit to a blood test upon the request of a law enforcement officer ~~is~~ shall be admissible in evidence in any criminal proceeding.

(d) If the arresting officer does not request a chemical or physical breath test of the person arrested for any offense allegedly committed while the person was driving or was in actual physical control of a motor vehicle while under the influence of alcoholic beverages or controlled substances, such person may request the arresting officer to have a

chemical or physical test made of the arrested person's breath or a test of the urine or blood for the purpose of determining the alcoholic content of the person's blood or breath or the presence of chemical substances or controlled substances; and, if so requested, the arresting officer shall have the test performed.

(e)1. By applying for a driver's license and by accepting and using a driver's license, the person holding the driver's license is deemed to have expressed his or her consent to the provisions of this section.

2. A nonresident or any other person driving in a status exempt from the requirements of the driver's license law, by his or her act of driving in such exempt status, is deemed to have expressed his or her consent to the provisions of this section.

3. A warning of the consent provision of this section shall be printed above the signature line on each new or renewed driver's license issued after the effective date of this act.

(f)1. The tests determining the weight of alcohol in the defendant's blood or breath shall be administered at the request of a law enforcement officer substantially in accordance with rules of ~~and regulations that have been adopted by the Department of Law Enforcement. Such rules must and regulations shall be adopted after public hearing, shall specify precisely the test or tests that are approved by the Department of Law Enforcement for reliability of result and ease facility of administration, and must shall provide an approved method of administration which must shall be followed in all such tests given under this section. However, the failure of a law enforcement officer to request the withdrawal of blood does not affect the admissibility of a test of blood withdrawn for medical purposes.~~

2. Only a physician, certified paramedic, registered nurse, licensed practical nurse, other personnel authorized by a hospital to draw blood, or duly licensed clinical laboratory director, supervisor, technologist, or technician, acting at the request of a law enforcement officer, may withdraw blood for the purpose of determining ~~its~~ the alcoholic content thereof or the presence of chemical substances or controlled substances therein. However, the failure of a law enforcement officer to request the withdrawal of blood does not affect the admissibility of a test of blood withdrawn for medical purposes.

3. The person tested may, at his or her own expense, have a physician, ~~certified paramedic~~, registered nurse, ~~licensed practical nurse~~, other personnel authorized by a hospital to draw blood, or duly licensed clinical laboratory director, supervisor, technologist, or technician, or other person of his or her own choosing administer ~~an independent~~ a test in addition ~~and subsequent~~ to the test administered at the direction of the law enforcement officer for the purpose of determining the amount of alcohol in the person's blood or breath or the presence of chemical substances or controlled substances at the time alleged, as shown by chemical analysis of his or her blood or urine, or by chemical or physical test of his or her breath. ~~The person tested may obtain reasonable assistance by the law enforcement officer after taking the test administered at the direction of the law enforcement officer. This reasonable assistance is limited to providing the tested person with access to a telephone and a telephone directory. The person authorized under this subparagraph to draw blood may not be denied access to the arrested person requesting to be tested. This subsection does not create any affirmative duty upon the law enforcement officer to provide transportation, storage of the blood drawn at the tested person's request, or any costs associated with this independent test. The failure or inability to obtain an independent additional test by a person does not preclude the admissibility in evidence of the test taken at the direction of the law enforcement officer.~~

4. Upon the request of the person tested, full information concerning the test taken at the direction of the law enforcement officer shall be made available to the person or his or her attorney.

5. A ~~No~~ hospital, clinical laboratory, medical clinic, or similar medical institution or physician, certified paramedic, registered nurse, licensed practical nurse, other personnel authorized by a hospital to draw blood, or duly licensed clinical laboratory director, supervisor, technologist, or technician, or other person assisting a law enforcement officer ~~does not shall~~ incur any civil or criminal liability as a result of the withdrawal or analysis of a blood or urine specimen, or the chemical or physical test of a person's breath pursuant to accepted medical standards when requested by a law enforcement officer, regardless of whether

or not the person ~~subject~~ resisted administration of the test, or when requested by the arrested person pursuant to subparagraph 3.

Section 4. Section 316.1934, Florida Statutes, is amended to read:

316.1934 Presumption of impairment; testing methods.—

(1) It is unlawful and punishable as provided in chapter 322 and in s. 316.193 for any person who is under the influence of alcoholic beverages or controlled substances, when affected to the extent that the person's normal faculties are impaired ~~or to the extent that the person is deprived of full possession of normal faculties~~, to drive or be in actual physical control of any motor vehicle within this state. Such normal faculties include, but are not limited to, the ability to see, hear, walk, talk, judge distances, drive an automobile, make judgments, act in emergencies, and, in general, normally perform the many mental and physical acts of daily life.

(2) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person while driving, or in actual physical control of, a vehicle while under the influence of alcoholic beverages or controlled substances, when affected to the extent that the person's normal faculties were impaired or to the extent that he or she was deprived of full possession of his or her normal faculties, the results of any test administered in accordance with s. 316.1932 or s. 316.1933 and this section ~~are shall be~~ admissible into evidence when otherwise admissible, and the amount of alcohol in the person's blood or breath at the time alleged, as shown by chemical analysis of the person's blood, or by chemical or physical test of the person's breath, ~~gives shall give rise to the following presumptions:~~

(a) If there was at that time ~~a blood-alcohol level or breath-alcohol level of 0.05 percent or less by weight of alcohol in the person's blood or breath, it is shall be~~ presumed that the person was not under the influence of alcoholic beverages to the extent that his or her normal faculties were impaired.

(b) If there was at that time ~~a blood-alcohol level or breath-alcohol level in excess of 0.05 percent but less than 0.08 percent by weight of alcohol in the person's blood or breath, such fact does shall not give rise to any presumption that the person was or was not under the influence of alcoholic beverages to the extent that his or her normal faculties were impaired, but such fact may be considered with other competent evidence in determining whether the person was under the influence of alcoholic beverages to the extent that his or her normal faculties were impaired.~~

(c) If there was at that time ~~a blood-alcohol level or breath-alcohol level of 0.08 percent or higher more by weight of alcohol in the person's blood or breath, that fact is shall be~~ prima facie evidence that the person was under the influence of alcoholic beverages to the extent that his or her normal faculties were impaired. Moreover, such person who has a ~~blood-alcohol level blood or breath-alcohol breath-alcohol level of 0.08 percent or higher above is guilty of driving, or being in actual physical control of, a motor vehicle, with an unlawful blood-alcohol level blood or breath-alcohol breath-alcohol level.~~

The presumptions provided in ~~the foregoing provisions of this subsection do shall not limit be construed as limiting~~ the introduction of any other competent evidence bearing upon the question of whether the person was under the influence of alcoholic beverages to the extent that his or her normal faculties were impaired.

(3) A chemical analysis of a person's blood to determine alcoholic content or a chemical or physical test of a person's breath, in order to be considered valid under this section, must have been performed substantially in accordance with methods approved by the Department of Law Enforcement and by an individual possessing a valid permit issued by the department for this purpose. Any insubstantial differences between approved techniques and actual testing procedures or any insubstantial defects concerning the permit issued by the department, in any individual case do not render the test or test results invalid. The Department of Law Enforcement may approve satisfactory techniques or methods, ascertain the qualifications and competence of individuals to conduct such analyses, and issue permits that are subject to termination or revocation in accordance with rules adopted by the department.

(4) Any person charged with a violation of s. 316.193, whether in a municipality or not, is entitled to trial by jury according to the Florida Rules of Criminal Procedure.

(5) An affidavit containing the results of any test of a person's blood or breath to determine its alcohol content, as authorized by s. 316.1932 or s. 316.1933, is admissible in evidence under the exception to the hearsay rule in s. 90.803(8) for public records and reports. Such affidavit is admissible without further authentication and is presumptive proof of the results of an authorized test to determine alcohol content of the blood or breath if the affidavit discloses:

- (a) The type of test administered and the procedures followed;
- (b) The time of the collection of the blood or breath sample analyzed;
- (c) The numerical results of the test indicating the alcohol content of the blood or breath;
- (d) The type and status of any permit issued by the Department of Law Enforcement ~~which that~~ was held by the person who performed the test; and
- (e) If the test was administered by means of a breath testing instrument, the date of performance of the most recent required maintenance on such instrument.

The Department of Law Enforcement shall provide a form for the affidavit. Admissibility of the affidavit does not abrogate the right of the person tested to subpoena the person who administered the test for examination as an adverse witness at a civil or criminal trial or other proceeding.

(6) Nothing in this section prohibits the prosecution of a person under s. 322.62. The provisions of subsection (2) do not apply to such prosecution and the presumptions made pursuant to that subsection may not be introduced into evidence during such prosecution.

Section 5. Paragraph (a) of subsection (1) of section 322.2615, Florida Statutes, is amended to read:

322.2615 Suspension of license; right to review.—

(1)(a) A law enforcement officer or correctional officer shall, on behalf of the department, suspend the driving privilege of a person who has been arrested by a law enforcement officer for a violation of s. 316.193, relating to unlawful *blood-alcohol level or breath-alcohol blood-alcohol level*, or of a person who has refused to submit to a breath, urine, or blood test authorized by s. 316.1932. The officer shall take the person's driver's license and issue the person a 30-day temporary permit if the person is otherwise eligible for the driving privilege and shall issue the person a notice of suspension. If a blood test has been administered, the results of which are not available to the officer at the time of the arrest, the agency employing the officer shall transmit such results to the department within 5 days after receipt of the results. If the department then determines that the person was arrested for a violation of s. 316.193 and that the person had a *blood-alcohol level or breath-alcohol blood-alcohol level* of 0.08 or higher, the department shall suspend the person's driver's license pursuant to subsection (3).

Section 6. Paragraph (b) of subsection (2) of section 322.62, Florida Statutes, is amended to read:

322.62 Driving under the influence; commercial motor vehicle operators.—

(2)

(b) In addition to the penalty provided in subsection (1), a person who violates this section and who has a *blood-alcohol level of 0.04 or more grams of alcohol per 100 milliliters of blood, or a breath-alcohol level of 0.04 or more grams of alcohol per 210 liters of breath is an alcohol concentration of .04 percent or higher shall be* subject to the penalty provided in s. 322.61.

Section 7. Paragraph (a) of subsection (1) of section 322.64, Florida Statutes, is amended to read:

322.64 Holder of commercial driver's license; driving with unlawful blood alcohol level; refusal to submit to breath, urine, or blood test.—

(1)(a) A law enforcement officer or correctional officer shall, on behalf of the department, disqualify from operating any commercial motor vehicle a person who while operating or in actual physical control of a

commercial motor vehicle is arrested for a violation of s. 316.193, relating to unlawful *blood-alcohol level or breath-alcohol blood-alcohol level*, or a person who has refused to submit to a breath, urine, or blood test authorized by s. 322.63 arising out of the operation or actual physical control of a commercial motor vehicle. Upon disqualification of the person, the officer shall take the person's driver's license and issue the person a 30-day temporary permit if the person is otherwise eligible for the driving privilege and shall issue the person a notice of disqualification. If the person has been given a blood, *breath, or urine* test, the results of which are not available to the officer at the time of the arrest, the agency employing the officer shall transmit such results to the department within 5 days after receipt of the results. If the department then determines that the person was arrested for a violation of s. 316.193 and that the person had a *blood-alcohol level or breath-alcohol blood-alcohol level* of 0.08 ~~percent~~ or higher, the department shall disqualify the person from operating a commercial motor vehicle pursuant to subsection (3).

Section 8. Section 327.35, Florida Statutes, is amended to read:

327.35 Operating vessel while under the influence of alcoholic beverages, chemical substances, or controlled substances; penalties.—

(1) It is unlawful and punishable as provided in subsection (2) for:

(a) Any person who is under the influence of alcoholic beverages, any chemical substance set forth in s. 877.111, or any substance controlled under chapter 893, when affected to the extent that the person's normal faculties are impaired, to operate a vessel on the waters of this state; ~~or~~

(b) Any person with a *blood-alcohol blood or breath-alcohol level* of 0.08 ~~percent~~ or more grams of alcohol per 100 milliliters of blood ~~above~~ to operate a vessel within this state; ~~or~~

(c) Any person with a *breath-alcohol level of 0.08 or more grams of alcohol per 210 liters of breath to operate a vessel within this state.*

(2) Any person who is convicted of a violation of subsection (1) shall be punished:

(a) By a fine of:

1. Not less than \$250 or more than \$500 for a first conviction;
2. Not less than \$500 or more than \$1,000 for a second conviction; or
3. Not less than \$1,000 or more than \$2,500 for a third or subsequent conviction; and

(b) By imprisonment for:

1. Not more than 6 months for a first conviction;
2. Not more than 9 months for a second conviction; or
3. Not more than 12 months for a third or subsequent conviction.

(3) In addition to any sentence or fine imposed under this section, the court shall require any person convicted of violating this section or s. 327.351 to attend a substance abuse course specified by the court, and the agency conducting the course may refer such person to an authorized agency for substance abuse evaluation and treatment. Such person shall assume the reasonable costs for such education, evaluation, and treatment. The term "substance abuse" means the abuse of alcohol or any substance named or described in Schedules I through V of s. 893.03.

(4) With respect to any person convicted of a violation of subsection (1), regardless of any penalty imposed pursuant to subsection (2):

(a) For the first conviction for violation of this section, the court shall order the defendant to participate in public service or a community work project for a minimum of 50 hours.

(b) For the second conviction *for an offense that occurs* within a period of 5 ~~3~~ years from the date of a prior conviction for violation of this section, the court shall order imprisonment for not less than 10 days. *At least 48 hours of confinement must be consecutive.*

(c) For the third or *subsequent* conviction *for an offense that occurs* within a period of 10 ~~5~~ years from the date of a prior conviction for

violation of this section, the court shall order imprisonment for not less than 30 days. *At least 48 hours of confinement must be consecutive.*

Section 9. Subsection (1) of section 327.352, Florida Statutes, is amended to read:

327.352 Tests for impairment or intoxication; right to refuse.—

(1)(a) The Legislature declares that the operation of a vessel is a privilege that must be exercised in a reasonable manner. In order to protect the public health and safety, it is essential that a lawful and effective means of reducing the incidence of boating while impaired or intoxicated be established.

(b) Any person who operates a vessel within this state shall submit to an approved chemical breath test or physical test, including, but not limited to, an infrared light test to determine the alcoholic content of the blood or breath and to a urine test to detect the presence of controlled substances, if that person is lawfully arrested for any offense allegedly committed while he or she was operating a vessel while under the influence of alcoholic beverages or controlled substances. The chemical or physical breath test ~~must~~ shall be incidental to a lawful arrest and administered at the request of a law enforcement officer who has probable cause to believe such person was operating the vessel within this state while under the influence of alcoholic beverages. The urine test ~~must~~ shall be incidental to a lawful arrest and administered at a detention facility, mobile or otherwise, which is equipped to administer such tests at the request of a law enforcement officer who has probable cause to believe such person was operating a vessel within this state while under the influence of controlled substances. The urine test shall be administered at a detention facility or any other facility, mobile or otherwise, which is equipped to administer such tests in a reasonable manner that will ensure the accuracy of the specimen and maintain the privacy of the individual involved. The administration of either test ~~does~~ shall not preclude the administration of the other test. The person shall be told that failure to submit to a breath test or a urine test, or both, will result in a civil penalty of \$500. The refusal to submit to a chemical or physical breath or urine test upon the request of a law enforcement officer as provided in this section ~~is~~ shall be admissible into evidence in any criminal proceeding.

(c) If the arresting officer does not request a chemical or physical breath test of the person arrested for any offense allegedly committed while the person was operating a vessel while under the influence of alcoholic beverages or controlled substances, such person may request the arresting officer to have a chemical or physical test made of the arrested person's breath, or a test of the urine or blood for the purpose of determining the alcoholic content of the person's blood or breath or the presence of controlled substances; and, if so requested, the arresting officer shall have the test performed.

(d) The provisions of s. 316.1932(1)(f), relating to administration of tests for determining ~~the weight of alcohol in the defendant's blood-alcohol level or breath-alcohol level blood or breath~~, additional tests at the defendant's expense, availability of test information to the defendant or the defendant's attorney, and liability of medical institutions and persons administering such tests are incorporated into this section ~~act~~.

Section 10. Subsection (2) of section 327.354, Florida Statutes, is amended to read:

327.354 Presumption of impairment; testing methods.—

(2) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person while operating a vessel while under the influence of alcoholic beverages or controlled substances, when affected to the extent that the person's normal faculties were impaired or to the extent that he or she was deprived of full possession of his or her normal faculties, the results of any test administered in accordance with s. 327.352 or s. 327.353 and this section ~~are~~ shall be admissible into evidence when otherwise admissible, ~~and~~ The amount of alcohol in the person's blood or breath at the time alleged, as shown by chemical analysis of the person's blood or by chemical or physical test of the person's breath, ~~gives~~ shall give rise to the following presumptions:

(a) If there was at that time ~~a blood-alcohol level or breath-alcohol level of 0.05 percent or less by weight of alcohol in the person's blood or~~

~~breath~~, it is ~~shall~~ be presumed that the person was not under the influence of alcoholic beverages to the extent that the person's normal faculties were impaired.

(b) If there was at that time ~~a blood-alcohol level or breath-alcohol level in excess of 0.05 percent but less than 0.08 percent by weight of alcohol in the person's blood or breath~~, such fact ~~does~~ shall not give rise to any presumption that the person was or was not under the influence of alcoholic beverages to the extent that the person's normal faculties were impaired, but such fact may be considered with other competent evidence in determining whether the person was under the influence of alcoholic beverages to the extent that his or her normal faculties were impaired.

(c) If there was at that time ~~a blood-alcohol level or breath-alcohol level of 0.08 percent or higher more by weight of alcohol in the person's blood or breath~~, that fact ~~is~~ shall be prima facie evidence that the person was under the influence of alcoholic beverages to the extent that the person's normal faculties were impaired.

~~The blood-alcohol level must percent by weight of alcohol in the blood shall be based upon grams of alcohol per 100 milliliters of blood. The breath-alcohol level must be based upon when analysing blood or grams of alcohol per 210 liters of breath when analysing breath. The foregoing provisions of This subsection does shall not limit be construed as limiting the introduction of any other competent evidence bearing upon the question of whether the person was under the influence of alcoholic beverages to the extent that the person's normal faculties were impaired or to the extent that the person was deprived of full possession of normal faculties.~~

Section 11. Subsection (2) of section 550.24055, Florida Statutes, is amended to read:

550.24055 Use of controlled substances or alcohol prohibited; testing of certain occupational licensees; penalty; evidence of test or action taken and admissibility for criminal prosecution limited.—

(2) The aforementioned occupational licensees, by applying for and holding such licenses, are deemed to have given their consents to submit to an approved chemical test of their breath for the purpose of determining the alcoholic content of their blood and to a urine or blood test for the purpose of detecting the presence of controlled substances. Such tests shall only be conducted upon reasonable cause that a violation has occurred as shall be determined solely by the stewards at a horseracing meeting or the judges or board of judges at a dogtrack or jai alai meet. The failure to submit to such test may result in a suspension of such person's occupational license for a period of 10 days or until such time as the provisions of this section have been complied with, whichever period of time is longer.

(a) If there was at the time of the giving of such test 0.05 percent or less by weight of alcohol in the person's blood, the person is presumed not to have been under the influence of alcoholic beverages to the extent that the person's normal faculties were impaired, and no action of any sort may be taken by the stewards, judges, or board of judges or the division.

(b) If there was at the time of taking the test an excess of 0.05 percent but less than 0.10 percent by weight of alcohol in the person's blood, that fact does not give rise to any presumption that the person was or was not under the influence of alcoholic beverages to the extent that the person's faculties were impaired, but the stewards, judges, or board of judges may consider such factor in determining whether or not such person will be allowed to officiate or participate in any given race or jai alai game.

(c) If there was at the time of the taking of the test 0.10 percent or more by weight of alcohol in the person's blood, that fact is prima facie evidence that the person was under the influence of alcoholic beverages to the extent that the person's normal faculties were impaired and the stewards or judges may take action as set forth ~~in this section herein~~, but the person may not officiate at or participate in any race or jai alai game on the day of such test.

All tests relating to alcohol must be performed in a manner substantially similar, or identical, to the provisions of s. 316.1934 ~~or 316.1934(3)~~ and rules adopted pursuant to that section. Following a test of the urine or blood to determine the presence of a controlled substance as defined in

chapter 893, if a controlled substance is found to exist, the stewards, judges, or board of judges may take such action as is permitted in *this section herein*.

Section 12. Section 327.351, Florida Statutes, is amended to read:

327.351 Operation of a vessel while intoxicated; punishment.—

(1) It is unlawful for any person, while in an intoxicated condition or under the influence of alcoholic beverages, any chemical substance set forth in s. 877.111, or any substance controlled under chapter 893 to the extent that the person's normal faculties are impaired, to operate on the waters of this state any vessel. A violation of this section is punishable as provided in s. 327.35. For the purposes of this subsection, a previous conviction under s. 327.35 constitutes a previous conviction for violation of this subsection.

(2) If, however, damage to the property or person of another, other than damage resulting in serious bodily injury or in the death of any person, is done by such intoxicated person under the influence of alcoholic beverages, any chemical substance set forth in s. 877.111, or any substance controlled under chapter 893 to the extent that the person's normal faculties are impaired, by reason of the operation of any vessel, such person is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, but the penalty imposed for a violation of this subsection must be not less than the penalty provided under s. 327.35; if serious bodily injury to another, as defined in s. 316.1933, is caused by the operation of a vessel by any person while so intoxicated, such person is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084; and, if the death of any human being is caused by the operation of a vessel by any person while so intoxicated, such person is guilty of manslaughter, punishable as provided by law for manslaughter *under s. 782.07(1) or (2)*.

(3) A conviction under this section is not a bar to any civil suit for damages against the person so convicted.

Section 13. Subsection (1) of section 775.15, Florida Statutes, is amended to read:

775.15 Time limitations.—

(1) A prosecution for a capital felony, a ~~or~~ life felony, or any other felony that results in a death may be commenced at any time. ~~If in the event that~~ the death penalty is held to be unconstitutional by the Florida Supreme Court or the United States Supreme Court, all crimes designated as capital felonies shall be considered life felonies for the purposes of this section, and prosecution for such crimes may be commenced at any time.

Section 14. Section 782.071, Florida Statutes, is amended to read:

782.071 Vehicular homicide.—

(1) "Vehicular homicide" is the killing of a human being by the operation of a motor vehicle by another in a reckless manner likely to cause the death of, or great bodily harm to, another. Vehicular homicide is:

(1) A felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) ~~Any person who commits vehicular homicide and willfully fails to stop or comply with the requirements of s. 316.027(1) is guilty of~~ A felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if:-

(a) At the time of the accident, the person knew, or should have known, that the accident occurred; and

(b) The person failed to give information and render aid as required by s. 316.062.

This subsection does not require that the person knew that the accident resulted in injury or death.

Section 15. Section 782.072, Florida Statutes, is amended to read:

782.072 Vessel homicide.—

(1) "Vessel homicide" is the killing of a human being by the operation of a vessel as defined in s. 327.02 by another in a reckless manner likely to cause the death of, or great bodily harm to, another. Vessel homicide is:

(1) A felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) ~~Any person who commits vessel homicide and willfully fails to stop or comply with the requirements of s. 327.30(4) is guilty of~~ A felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if:-

(a) At the time of the accident, the person knew, or should have known, that the accident occurred; and

(b) The person failed to give information and render aid as required by s. 327.30(1).

This subsection does not require that the person knew that the accident resulted in injury or death.

Section 16. Subsection (2) of section 782.04, Florida Statutes, is amended to read:

782.04 Murder.—

(2) The unlawful killing of a human being, when perpetrated by any act imminently dangerous to another and evincing a depraved mind regardless of human life, although without any premeditated design to effect the death of any particular individual, is murder in the second degree and constitutes:

(a) A felony of the first degree, punishable by imprisonment for a term of years not exceeding life or as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) A life felony, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the murder is the result of the person's operation of a motor vehicle or vessel, and:

1. At the time of the accident, the person knew, or should have known, that the accident occurred; and

2. The person failed to give information and render aid as required by s. 316.062 or s. 327.30(1).

This paragraph does not require that the person knew that the accident resulted in injury or death. Any person who is convicted under this paragraph shall be sentenced to a minimum mandatory term of imprisonment of 25 calendar years.

Section 17. Section 782.07, Florida Statutes, is amended to read:

782.07 Manslaughter.—The killing of a human being by the act, procurement, or culpable negligence of another, without lawful justification according to the provisions of chapter 776 and in cases in which such killing is ~~shall not be excusable homicide or murder, according to the provisions of this chapter, is shall be deemed~~ manslaughter and constitutes: ~~shall constitute~~

(1) A felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) A felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the manslaughter is the result of the person's operation of a motor vehicle or vessel, and:

(a) At the time of the accident, the person knew, or should have known, that the accident occurred; and

(b) The person failed to give information and render aid as required by s. 316.062 or s. 327.30(1).

This subsection does not require that the person knew that the accident resulted in injury or death.

Section 18. Paragraphs (e), (g), (h), (i), and (j) of subsection (3) of section 921.0012, Florida Statutes, are amended to read:

921.0012 Sentencing guidelines offense levels; offense severity ranking chart. —

(3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
		(e) LEVEL 5	784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
		Accidents involving personal injuries, failure to stop; leaving scene.	784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
316.027(1)(a)	3rd		784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.
316 1935(3)	3rd	Aggravated fleeing or eluding.	784.08(2)(a)	1st	Aggravated battery of a person 65 years of age or older.
322.34(3)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.	784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
327.30(4)	3rd	<i>Vessel accidents involving personal injury; leaving scene.</i>	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
790.01(2)	3rd	Carrying a concealed firearm.	796.03	2nd	Procuring any person under 16 years for prostitution.
790.162	2nd	Threat to throw or discharge destructive device.	800.04	2nd	Handle, fondle, or assault child under 16 years in lewd, lascivious, or indecent manner.
790.163	2nd	False report of deadly explosive.	806.01(2)	2nd	Maliciously damage structure by fire or explosive.
790.164(1)	2nd	False report of deadly explosive or act of arson or violence to state property.	810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
790.165(2)	3rd	Manufacture, sell, possess, or deliver hoax bomb.	810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
790.221(1)	2nd	Possession of short-barreled shotgun or machine gun.	810.02(3)(d)(e)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
790.23	2nd	Felons in possession of firearms or electronic weapons or devices.	812.014(2)(a)	1st	Property stolen, valued at \$100,000 or more; 1st degree grand theft.
806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.	812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
812.019(1)	2nd	Stolen property; dealing in or trafficking in.	812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
817.034(4)(a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.	825.102(2)	3rd	Abusing or neglecting an elderly person or disabled adult.
827.071(4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.	825.103(2)(b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.
843.01	3rd	Resist officer with violence to his person; resist arrest with violence.	827.04(1)	3rd	Deprive child of necessities causing great bodily harm or disfigurement.
893.13(1)(a)1.	2nd	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b) drugs).	893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b) drugs) within 1,000 feet of a school.
893.13(1)(c)2.	2nd	Sell, manufacture, or deliver cannabis (or other s. 893.03 (1)(c), (2)(c), (3), or (4) drugs) within 1,000 feet of a school.	893.13(4)(a)	1st	Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b) drugs).
893.13(1)(d)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03 (1)(a), (1)(b), (1)(d), (2)(a), or (2)(b) drugs) within 200 feet of university, public housing facility, or public park.	893.135(1)(a)1.	1st	Trafficking in cannabis, more than 100 lbs., less than 2,000 lbs.
893.13(4)(b)	2nd	Deliver to minor cannabis (or other s. 893.03(1)(c), (2)(c), (3), or (4) drugs).	893.135(1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
944.35(3)	3rd	Inflicting cruel or inhuman treatment on an inmate resulting in great bodily harm.	893.135(1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
951.075	2nd	Prisoner commits assault or battery.	893.135(1)(d)1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
		(g) LEVEL 7	893.135(1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.	893.135(1)(f)1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
494.0018(2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.	316.193(3)(c)3.	2nd	(h) LEVEL 8
			777.03(2)(a)	1st	DUI manslaughter.
			782.04(4)	2nd	Accessory after the fact, capital felony.
782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).			Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aircraft piracy, or unlawfully discharging bomb.
782.071	3rd	Killing of a human being by the operation of a motor vehicle in a reckless manner (vehicular homicide).	782.07(2)	1st	<i>Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter); failure to render aid or give information.</i>
782.072(1)	3rd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).	782.071(2)	2nd	Committing vehicular homicide and willfully failing to render aid or give information stop; leaving scene.
784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.			

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
782.072(2)	2nd	Committing vessel homicide and willfully failing to render aid or give information stop; leaving scene.	790.161	1st	Attempted capital destructive device offense.
790.161(3)	1st	Discharging a destructive device which results in bodily harm or property damage.	794.011(2)	1st	Attempted sexual battery; victim less than 12 years of age.
794.011(5)	2nd	Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.	794.011(2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
806.01(1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.	794.011(4)	1st	Sexual battery; victim 12 years or older, certain circumstances.
810.02(2)(a)	1st,PBL	Burglary with assault or battery.	794.011(8)(b)	1st	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.
810.02(2)(b)	1st,PBL	Burglary; armed with explosives or dangerous weapon.	812.13(2)(a)	1st,PBL	Robbery with firearm or other deadly weapon.
812.13(2)(b)	1st	Robbery with a weapon.	812.133(2)(a)	1st,PBL	Carjacking; firearm or other deadly weapon.
812.135(2)	1st	Home-invasion robbery.	847.0145(1)	1st	Selling, or otherwise transferring custody or control, of a minor.
825.102(1)	2nd	Abusing or neglecting an elderly person or disabled adult and causes harm, disfigurement, or disability.	847.0145(2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
825.103(2)(a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more.	859.01	1st	Poisoning food, drink, medicine, or water with intent to kill or injure another person.
827.03(2)	2nd	Commits aggravated battery on a child.	893.135	1st	Attempted capital trafficking offense.
860.121(2)(c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.	893.135(1)(a)3.	1st	Trafficking in cannabis, more than 10,000 lbs.
860.16	1st	Aircraft piracy.	893.135(1)(b)1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
893.13(1)(b)	1st	Sell or deliver in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).	893.135(1)(c)1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
893.13(2)(b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).	893.135(1)(d)3.	1st	Trafficking in phencyclidine, more than 400 grams.
893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).	893.135(1)(e)3.	1st	Trafficking in methaqualone, more than 25 kilograms.
893.135(1)(a)2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.	893.135(1)(f)3.	1st	Trafficking in amphetamine, more than 200 grams.
893.135(1)(b)1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.			(j) LEVEL 10
893.135(1)(c)1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.	782.04(2)(a)	1st,PBL	Unlawful killing of human; act is homicide, unpremeditated.
893.135(1)(d)2.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.	782.04(2)(b)	Life	Unlawful killing of human; act is homicide, unpremeditated; failing to render aid or give information.
893.135(1)(e)2.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.	787.01(1)(a)3.	1st,PBL	Kidnapping; inflict bodily harm upon or terrorize victim.
893.135(1)(f)2.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.	787.01(3)(a)	Life	Kidnapping; child under age 13, perpetrator also commits child abuse, sexual battery, lewd, or lascivious act, etc.
895.03(1)	1st	Use or invest proceeds derived from pattern of racketeering activity.	794.011(3)	Life	Sexual battery; victim 12 years or older, offender uses or threatens to use deadly weapon or physical force to cause serious injury.
895.03(2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.	876.32	1st	Treason against the state.
895.03(3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.			
		(i) LEVEL 9			
316.193(3)(c)3.b.	1st	DUI manslaughter; failing to render aid or give information.			
327.351(2)	1st	Operating a vessel while intoxicated, resulting in death; failing to render aid or give information.			
782.04(1)	1st	Attempted premeditated murder.			
782.04(3)	1st,PBL	Accomplice to murder in connection with arson, sexual battery, robbery, burglary, and other specified felonies.			
787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or reward or as a shield or hostage.			
787.01(1)(a)2.	1st,PBL	Kidnapping with intent to commit or facilitate commission of any felony.			
787.01(1)(a)4.	1st,PBL	Kidnapping with intent to interfere with performance of any governmental or political function.			
787.02(3)(a)	1st	False imprisonment; child under age 13; perpetrator also commits child abuse, sexual battery, lewd, or lascivious act, etc.			

Section 19. 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 offenses resulting in the injury or death of a human being; amending s. 90.803, F.S., pertaining to admissibility of evidence; revising a cross-reference to conform to changes made by the act; amending s. 316.193, F.S.; specifying the blood-alcohol level or breath-alcohol level that constitutes a crime; revising the penalty for a third or subsequent conviction for operating a vehicle while under the influence; providing an enhanced penalty for the offense of DUI manslaughter that is the result of operating a motor vehicle if the person knew, or should have known, that the accident occurred and failed to give information and render aid; extending the time period for penalty provisions; providing for a minimum period of consecutive incarceration; amending s. 316.1932, F.S.; providing for implied consent to submit to a blood test to detect chemical substances or controlled substances; providing that a blood test may be conducted in an ambulance or similar vehicle; requiring that a law enforcement officer give reasonable assistance to a person requesting an independent blood test; amending s. 316.1934, F.S.; specifying the blood-alcohol level or breath-alcohol level

provisions; providing for a minimum period of consecutive incarceration; amending s. 316.1932, F.S.; providing for implied consent to submit to a blood test to detect chemical substances or controlled substances; providing that a blood test may be conducted in an ambulance or similar vehicle; requiring that a law enforcement officer give reasonable assistance to a person requesting an independent blood test; amending s. 316.1934, F.S.; specifying the blood-alcohol level or breath-alcohol level that constitutes a crime; providing for presumptions relating to impairment to be based on blood-alcohol level or breath-alcohol level; amending s. 322.2615, F.S.; providing for suspension of a driver's license for an unlawful breath-alcohol level; amending s. 322.62, F.S.; specifying the blood-alcohol level or breath-alcohol level that constitutes a crime; providing for measurements of blood-alcohol level or breath-alcohol level of commercial motor vehicle operators; amending s. 322.64, F.S.; specifying the blood-alcohol level or breath-alcohol level that constitutes a crime; providing for transmission of breath or urine test results; disqualifying operators of commercial motor vehicles under certain circumstances; amending s. 327.35, F.S.; specifying the blood-alcohol level or breath-alcohol level that constitutes a crime; revising the penalties for subsequent convictions within specified periods for the offense of operating a vessel while under the influence; extending the time period for penalty provisions; providing for a minimum period of consecutive incarceration; amending s. 327.352, F.S.; specifying the blood-alcohol level or breath-alcohol level that constitutes a crime; amending s. 327.354, F.S.; specifying the blood-alcohol level or breath-alcohol level that constitutes a crime; providing for presumptions relating to impairment to be based on blood-alcohol level or breath-alcohol level; amending s. 550.24055, F.S., pertaining to certain parimutuel-wagering licensees; revising a cross-reference to conform to changes made by the act; amending s. 327.351, F.S.; providing an enhanced penalty for the offense of DUI manslaughter that is the result of operating a vessel if the person knew, or should have known, that the accident occurred and failed to give information and render aid; amending s. 775.15, F.S.; providing that the prosecution for a felony that results in a death may be commenced at any time; amending ss. 782.071, 782.072, F.S.; providing an enhanced penalty for vehicular homicide and vessel homicide if the person knew, or should have known, that the accident occurred and failed to give information and render aid; amending ss. 782.04, 782.07, F.S., relating to the offenses of murder and manslaughter; conforming provisions to changes made by the act; providing a mandatory minimum term of imprisonment; amending s. 921.0012, F.S.; providing for certain offenses resulting in injury or death to be included in the offense severity ranking chart of the sentencing guidelines; providing an effective date.

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

Amendment 1A (with title amendment)—On page 44, line 21, insert:

Section 19. Subsection (2) of section 322.26, Florida Statutes, is amended to read:

322.26 Mandatory revocation of license by department.—The department shall forthwith revoke the license or driving privilege of any person upon receiving a record of such person's conviction of any of the following offenses:

(2) Driving a motor vehicle or being in actual physical control thereof, or entering a plea of nolo contendere, said plea being accepted by the court and said court entering a fine or sentence to a charge of driving, while under the influence of alcoholic beverages or a substance controlled under chapter 893, or being in actual physical control of a motor vehicle while under the influence of alcoholic beverages or a substance controlled under chapter 893. *Whenever DUI manslaughter occurs, the revocation of the license or driving privilege shall be permanent, except as provided for in s. 322.271(4).*

Section 20. Subsection (4) of section 322.271, Florida Statutes, as amended by chapters 95-148 and 95-333, Laws of Florida, is amended to read:

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

(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 *DUI manslaughter in violation of 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 or the expiration of 5 years after the termination of any term of incarceration under s. 316.193 or former s. 316.1931, whichever date is later, 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 ~~proceeding~~ 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 department.

(b) At such hearing, the department shall determine the petitioner's qualification, fitness, and need to drive. Upon such determination, the department may, in its discretion, reinstate the driver's license of the petitioner. Such 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. Such person must be supervised by a DUI program licensed by the department and report to the program for such supervision and education at least four times a year or additionally as required by the program for the remainder of the revocation period. Such supervision shall include evaluation, education, referral into treatment, and other activities required by the department.

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

(d) If, after reinstatement, such 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 department shall adopt rules regulating the providing of services by DUI programs pursuant to this section.

Section 21. Paragraphs (a), (b), and (e) of subsection (2) of section 322.28, Florida Statutes, are amended to read:

322.28 Period of suspension or revocation.—

(2) In a prosecution for a violation of s. 316.193 or former s. 316.1931, the following provisions apply:

(a) Upon conviction of the driver, the court, along with imposing sentence, shall revoke the driver's license or driving privilege of the person so convicted, *effective on the date of conviction*, and shall prescribe the period of such revocation in accordance with the following provisions:

1. Upon a first conviction for a violation of the provisions of s. 316.193, except a violation resulting in death, the driver's license or driving privilege shall be revoked for not less than 180 days or more than 1 year.
2. Upon a second conviction within a period of 5 years from the date of a prior conviction for a violation of the provisions of s. 316.193 or former s. 316.1931 or a combination of such sections, the driver's license or driving privilege shall be revoked for not less than 5 years.
3. Upon a third conviction within a period of 10 years from the date of conviction of the first of three or more convictions for the violation of the provisions of s. 316.193 or former s. 316.1931 or a combination of

such sections, the driver's license or driving privilege shall be revoked for not less than 10 years.

For the purposes of this paragraph, a previous conviction outside this state for driving under the influence, driving while intoxicated, driving with an unlawful blood alcohol level, or any other alcohol-related or drug-related traffic offense similar to the offense of driving under the influence as proscribed by s. 316.193 will be considered a previous conviction for violation of s. 316.193, and a conviction for violation of former s. 316.028, former s. 316.1931, or former s. 860.01 is considered a conviction for violation of s. 316.193.

(b) *The court order must state that the driver's license or driving privilege of the person has been revoked, effective on the date of conviction, and should state the period of the revocation. However, if the period of revocation was not specified by the court at the time of imposing sentence or within 30 days thereafter, the department shall forthwith revoke the driver's license or driving privilege for the maximum period applicable under paragraph (a) for a first conviction and for the minimum period applicable under paragraph (a) for any subsequent convictions. The driver may, within 30 days of such revocation by the department, petition the court for further hearing on the period of revocation, and the court shall be authorized in such case, at its discretion, to reopen the case and to determine the period of revocation within the limits specified in paragraph (a).*

(e) *The court shall permanently revoke the driver's license or driving privilege of a person who has been convicted four times for violation of s. 316.193 or former s. 316.1931 or a combination of such sections. The court shall permanently revoke the driver's license or driving privileges of any ~~or a~~ person who has been convicted of *DUI manslaughter in resulting from the operation of a motor vehicle or vehicular homicide and who has been convicted of a* violation of s. 316.193 ~~or former s. 316.1931~~. If the court has not permanently revoked such license or privilege within 30 days after imposing sentence, the department shall permanently revoke the license or privilege pursuant to this paragraph. No driver's license or driving privilege may be issued or granted to any such person. This paragraph applies only if at least one of the convictions for violation of s. 316.193 or former s. 316.1931 was for a violation that occurred after July 1, 1982. For the purposes of this paragraph, a conviction for violation of former s. 316.028, former s. 316.1931, or former s. 860.01 is also considered a conviction for violation of s. 316.193. Also, a conviction of driving under the influence, driving while intoxicated, driving with an unlawful blood alcohol level, or any other similar alcohol-related or drug-related traffic offense outside this state is considered a conviction for the purposes of this paragraph.*

(Renumber subsequent section.)

And the title is amended as follows:

On page 47, line 23, after the semicolon (;) insert: 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 DUI manslaughter occurs as a result of such operation; providing exceptions; amending s. 322.271, F.S.; providing for the reinstatement of a driver license or driving privilege under certain circumstances; amending s. 322.28, F.S.; clarifying that revocation is effective on the date of conviction and that the order of the court will so state; providing for the court to permanently revoke the driver's license or driving privilege of a person convicted of DUI manslaughter;

MOTION

On motion by Senator Jennings, the rules were waived and time of recess was extended until 6:00 p.m.

Senator Burt moved the following amendments to **Amendment 1** which were adopted:

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

Section 1. This act may be cited as the "Derrick Dean Wagner, Cristina Elina Garcia, and Richard E. Vandera Act."

(Renumber subsequent sections.)

And the title is amended as follows:

On page 48, line 1, insert: providing a short title;

Amendment 1C—In title, on page 44, line 31 and on page 45, line 1, delete all of those lines and insert: An act relating to criminal penalties and procedures involving vehicles or vessels; amending s.

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

Amendment 1D (with title amendment)—On page 20, between lines 4 and 5, insert:

Section 5. Subsections (1), (2), and (3) of subsection 322.095, Florida Statutes, are amended to read:

322.095 Traffic law and substance abuse education program for driver's license applicants.—

(1) The Department of Highway Safety and Motor Vehicles must approve a traffic law and substance abuse education ~~courses~~ ~~course~~ that must be completed by applicants for a Florida driver's license. The ~~curriculum~~ ~~curriculum~~ for the ~~courses~~ ~~course~~ must provide instruction on the physiological and psychological consequences of the abuse of alcohol and other drugs, the societal and economic costs of alcohol and drug abuse, the effects of alcohol and drug abuse on the driver of a motor vehicle, and the laws of this state relating to the operation of a motor vehicle. All instructors teaching ~~the courses~~ ~~this course~~ shall be certified by the department.

(2) The department shall contract for an independent evaluation of the ~~courses~~ ~~course~~, and shall provide documentation to the Legislature by October 1, 2000, measuring course effectiveness. Local DUI programs authorized under s. 316.193(5) and certified by the department or a driver improvement school may offer a the traffic law and substance abuse education course. However, prior to offering the course, the course provider must obtain certification from the department that the course complies with the requirements of this section. The course provider must offer the approved course at locations reasonably accessible to most applicants and must issue a certificate to those persons successfully completing the course.

(3) The completion of a the course does not qualify a person for the reinstatement of a driver's license which has been suspended or revoked.

Section 6. The Department of Highway Safety and Motor Vehicles is authorized to process and approve any application for a traffic law and substance abuse education course pursuant to s. 322.095, Florida Statutes. Upon the passage of Committee Substitute for House Bills 173, 1851, and 2547, Senate Bill 2940, or similar legislation, any of which repeals s. 322.095, Florida Statutes, the department is authorized to process and approve the applications until such time as a DUI and Drug Alcohol Traffic Education Commission is established, and section 9 of this bill will be repealed.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 45, line 30, after the semicolon (;) insert: amending s. 322.095, F.S.; authorizing more than one course; authorizing approval of certain applications for traffic law and substance abuse education courses until the creation of a DUI and Drug/Alcohol Traffic Education Commission;

Amendment 1 as amended was adopted.

On motion by Senator Burt, by two-thirds vote **CS for HB's 173, 1851 and 2547** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33 Nays—None

On motion by Senator Forman, by two-thirds vote **HB 1267** was withdrawn from the Committees on Community Affairs; and Governmental Reform and Oversight.

On motion by Senator Forman—

HB 1267—A bill to be entitled An act relating to veterans; providing legislative intent; establishing a Florida Medal of Honor Wall at the

Capitol Building; providing for plaques or similar designations; providing for the duties of the Department of Veterans' Affairs; providing an effective date.

—a companion measure, was substituted for **CS for SB 1096** and read the second time by title. On motion by Senator Forman, by two-thirds vote **HB 1267** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

SB 1870—A bill to be entitled An act relating to writs of bodily attachment; amending s. 61.11, F.S.; providing for issuance of a writ of bodily attachment in cases of court-ordered child-support obligation; prescribing contents of the writ; providing responsibilities of the sheriff and clerk of court; providing for enforceability; amending s. 943.05, F.S.; providing responsibility of the Division of Criminal Justice Information Systems within the Department of Law Enforcement relating to information about such writs; providing an effective date.

—was read the second time by title.

Amendments were considered to conform **SB 1870** to **CS for HB 1949**.

Pending further consideration of **SB 1870** as amended, on motion by Senator Horne, by two-thirds vote—

CS for HB 1949—A bill to be entitled An act relating to child support enforcement; amending s. 61.11, F.S.; providing requirements with respect to the issuance by a court of a writ of bodily attachment in connection with a court-ordered child support obligation; amending s. 943.05, F.S.; providing for the establishment, implementation, and maintenance of a system to transmit information about writs of bodily attachment with respect to court-ordered child support; providing an effective date.

—a companion measure, was substituted for **SB 1870** and by two-thirds vote read the second time by title.

Senator Dudley moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 3, before line 1, insert:

Section 1. Subsection (1), paragraph (b) of subsection (2), and paragraph (a) of subsection (3) of section 61.181, Florida Statutes, are amended, paragraph (d) is added to subsection (3), and subsection (11) is added to that section to read:

61.181 Central depository for receiving, recording, reporting, monitoring, and disbursing alimony, support, maintenance, and child support payments; fees.—

(1) The office of the clerk of the court shall operate a depository unless the depository is otherwise created by special act of the Legislature or unless, prior to June 1, 1985, a different entity was established to perform such functions. *The department shall, no later than July 1, 1997, extend participation in the federal child support cost reimbursement program to the central depository in each county, to the maximum extent possible under existing federal law. The depository shall receive reimbursement for services provided under a cooperative agreement with the department as provided by federal law.*

(2)(b)1. For the period of July 1, 1992, through June 30, 1999 ~~1997~~, the fee imposed in paragraph (a) shall be increased to 4 percent of the support payments which the party is obligated to pay, except that no fee shall be less than \$1.25 nor more than \$5.25. The fee shall be considered by the court in determining the amount of support that the obligor is, or may be, required to pay. Notwithstanding the provisions of s. 145.022, 75 percent of the additional revenues generated by this paragraph shall be remitted monthly to the Clerk of the Court Child Support Enforcement Collection System Trust Fund administered by the department as provided in subparagraph 2. These funds shall be used exclusively for the development, implementation, and operation of an automated child support enforcement collections system to be operated by the depositories. The department shall contract with the Florida Association of Court Clerks and Comptrollers and the depositories to design, establish, operate, upgrade, and maintain the automation of the depositories to include, but not be limited to, the provision of on-line electronic transfer

of information to the IV-D agency as otherwise required by this chapter. *Each depository created under this section shall fully participate in the automated child support enforcement collection system on or before July 1, 1997, and transmit data in a readable format as required by the contract between the Florida Association of Court Clerks and Comptrollers and the department. The department may at its discretion exempt a depository from compliance with full participation in the automated child support enforcement collection system.*

2. *No later than December 31, 1996, moneys to be remitted to the department by the depository shall be done daily by electronic funds transfer and calculated as follows:*

- For each support payment of less than \$33, 18.75 cents.
- For each support payment between \$33 and \$140, an amount equal to 18.75 percent of the fee charged.
- For each support payment in excess of \$140, 18.75 cents.

3. Prior to June 30, 1995, the depositories and the department shall provide the Legislature with estimates of the cost of continuing the collection and maintenance of information required by this act.

4. *The fees established by this section shall be set forth and included in every order of support entered by a court of this state which requires payment to be made into the depository.*

(3)(a) The depository shall collect and distribute all support payments paid into the depository to the appropriate party. *On or after July 1, 1997, if a payment is made which is not accompanied by the required transaction fee, the depository shall not deduct any moneys from the support payment for payment of the fee. Nonpayment of the required fee shall be considered a delinquency, and when the total of fees and costs which are due but not paid exceeds \$50, the judgment by operation of law process set forth in s. 61.14(6)(a) shall become applicable and operational. As part of its collection and distribution functions, the depository shall maintain records listing:*

- The obligor's name, address, social security number, place of employment, and any other sources of income.
- The obligee's name, address, and social security number.
- The amount of support due as provided in the court order.
- The schedule of payment as provided in the court order.
- The actual amount of each support payment received, the date of receipt, the amount disbursed, and the recipient of the disbursement.
- The unpaid balance of any arrearage due as provided in the court order.
- Other records as necessary to comply with federal reporting requirements.

(d) When custody of a child is relinquished by a custodial parent who is entitled to receive child support moneys from the depository to a licensed or registered long-term care child agency, that agency may request from the court an order directing child support payments which would otherwise be distributed to the custodial parent be distributed to the agency for the period of custody of the child by the agency. Thereafter, payments shall be distributed to the agency as if the agency were the custodial parent until further order of the court.

(11) *The Office of Program Policy Analysis and Government Accountability shall conduct a program audit of the central child support enforcement depositories operating pursuant to this section. This audit shall include, but not be limited to, an analysis of current and pending federal requirements for the child support enforcement depository and a review of the adequacy of the present depository and funds distribution system to meet those requirements; a cost analysis of the current system; and a review of all strategies, including federal reimbursement, distribution of funds by the local depository, and privatization, to increase efficiency in payment processing. The audit must be completed and a report must be submitted to the Senate and the House of Representatives before December 1, 1996. This subsection shall not affect the implementation of any other parts of this section.*

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, lines 1-6, delete those lines and insert: A bill to be entitled An act relating to child support amending s. 61.11, F.S.; providing requirements with respect to the issuance by a court of a writ of bodily attachment in connection with a court-ordered child support obligation; amending s. 61.181, F.S.; requiring the Department of Revenue to take necessary action so that the depository may receive certain federal reimbursement moneys; extending the period for increased fees for support payments; requiring electronic funds transfer; requiring that depository fees be set forth in support orders; providing guidelines for collection of fees for support payments; providing for distribution of support to long-term care agencies under certain circumstances; providing for imposition of final judgment by operation of law against an obligor under certain circumstances when unpaid fees and costs exceed \$50; providing for a program audit by the Office of Program Analysis and Government Accountability;

On motion by Senator Horne, by two-thirds vote **CS for HB 1949** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—None

SB 1290—A bill to be entitled An act relating to the Judiciary; amending s. 26.031, F.S.; increasing the number of judges in certain judicial circuits; amending s. 34.022, F.S.; increasing the number of judges in certain county courts; providing effective dates.

—was read the second time by title.

Senator Myers moved the following amendment which was adopted by the required constitutional two-thirds vote of the membership:

Amendment 1—On page 2, line 4, delete “12” and insert: 13

On motion by Senator Dudley, further consideration of **SB 1290** as amended was deferred.

Consideration of **SB 1850** was deferred.

SB 148—A bill to be entitled An act relating to the Department of State; amending s. 607.0122, F.S.; providing for future increase of the corporate reinstatement filing fee; providing for future reduction of the supplemental corporate filing fee; decreasing the certificate of domestication filing fee; amending s. 607.0502, F.S.; providing procedures for a corporation's registered agent to make a name or address change; authorizing a fee for the filing change; amending s. 607.1801, F.S.; providing for domestication of foreign corporations; amending s. 607.193, F.S.; providing for future decrease in the annual supplemental corporate fee; providing for future increase in late charge for delinquent payment of the supplemental corporate fee; amending s. 617.0502, F.S.; providing procedures for a registered agent of a nonprofit corporation to make a name or address change; authorizing a fee for the filing change; requiring the Department of State to waive penalties authorized under ss. 607.1502(4) and 617.1502(4), F.S.; providing an effective date.

—was read the second time by title.

The Committee on Commerce and Economic Opportunities recommended the following amendments which were moved by Senator Burt and failed:

Amendment 1—On page 7, lines 8 and 30, after the period (.) insert: *At least 30 days prior to May 1, the department shall send an additional notice informing the affected party of any fees due under this section.*

Amendment 2—On page 7, lines 8 and 30, after the period (.) insert: *The department may waive such late charge upon a finding of good cause based on evidence of mitigating circumstances submitted to the department by the affected party.*

On motion by Senator Burt, by two-thirds vote **SB 148** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

SB 1850—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 read the second time by title.

An amendment was considered to conform **SB 1850** to **CS for HB 2449**.

Pending further consideration of **SB 1850** as amended, on motion by Senator Dudley, by two-thirds vote **CS for HB 2449** was withdrawn from the Committees on Education; and Ways and Means.

On motion by Senator Dudley—

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.

—a companion measure, was substituted for **SB 1850** and read the second time by title. On motion by Senator Dudley, by two-thirds vote **CS for HB 2449** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—None

CS for SB 2832—A bill to be entitled An act relating to electronic communication services; requiring the Department of Revenue to provide certain information to the Legislature; providing for legislative finding that certain taxes pursuant to chapters 166, 203, and 212, F.S., may not be applicable to electronic communication services; prohibiting the imposition or collection of certain taxes pursuant to chapters 166, 203, and 212, F.S.; providing an effective date.

—was read the second time by title. On motion by Senator Dudley, by two-thirds vote **CS for SB 2832** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

CONSIDERATION OF BILLS OUT OF ORDER

On motions by Senator Diaz-Balart, by unanimous consent—

HB 2721—A bill to be entitled An act relating to reducing the cost of government; modifying various provisions of law in the areas of criminal justice and corrections to reduce governmental functions through repeal, transfer, or privatization of such functions; amending s. 39.003, F.S., relating to the Juvenile Justice Advisory Board; providing for appointment of an executive director of the board; assigning the board, for administrative purposes, to the Legislature; providing for development of a budget pursuant to procedures established by the Legislature; creating s. 215.607, F.S.; providing for bond financing for state correctional and juvenile justice facilities; transferring functions of the Corrections Mental Health Institution from the Department of Health and Rehabilitative Services to the Department of Corrections; amending ss. 945.41, 945.42, 945.43, 945.44, 945.45, 945.46, 945.47, 945.48, and 945.49, F.S., to conform; eliminating a provision relating to data collection of information on mental health services; amending s. 947.002, F.S.; transferring certain responsibilities of the Parole Commission from the chairman to the executive director; amending s. 947.01, F.S., relating to creation and

membership of the commission; requiring the membership of the commission to be reduced from six to three by October 1, 1996; deleting a provision requiring the Secretary of Corrections to act in a liaison capacity between the commission and the department; amending s. 947.02, F.S.; revising the process for designating the chairman of a parole qualifications committee; amending s. 947.04, F.S.; revising the process for designating officers of the commission; providing for appointment of an executive director and providing authority and duties thereof; reenacting and amending s. 947.06, F.S., relating to meetings of the commission and when the commission may act, and repealing a version of the section which has been superseded; revising a provision relating to modification of acts and decisions of the chairman, to conform; amending s. 947.146, F.S., relating to the Control Release Authority; revising provisions relating to control release; revising purpose of the authority; providing that no inmate has a right to a control release date; providing for suspension of the establishment of control release dates; requiring the authority to resume establishing control release dates under certain circumstances; amending s. 947.173, F.S.; eliminating a restriction on who may serve on a panel for the review of a presumptive parole release date; amending ss. 957.03, 957.04, 957.05, 957.06, 957.07, 957.09, 957.11, 957.125, 957.13, 957.14, and 957.15, F.S.; authorizing the Correctional Privatization Commission to contract for juvenile commitment facilities and providing requirements with respect thereto; amending s. 944.023, F.S.; correcting a reference, to conform; providing effective dates.

—was taken up out of order and by two-thirds vote was read the second time by title.

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

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. In furtherance of the modifications to the budget made in the 1996 General Appropriations Act, provisions of law are revised so that they can be efficiently administered within the amounts appropriated.

Section 2. This act shall take effect July 1, 1996.

And the title is amended as follows:

On page 1, line 3, delete everything after the semicolon (;) and insert: providing an effective date.

On motion by Senator Diaz-Balart, by two-thirds vote **HB 2721** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

MOTION

On motion by Senator Diaz-Balart, the House was requested to concur in the Senate amendment to **HB 2721**, and in the event the House refuses to concur, moved that the bill be referred to the Appropriations Conference Committee.

On motions by Senator Diaz-Balart, by unanimous consent—

HB 2723—A bill to be entitled An act relating to reducing the cost of government; modifying various provisions of law in the area of governmental operations to reduce governmental functions through repeal, transfer, or privatization of such functions; amending s. 20.19, F.S.; revising responsibilities of the Children and Families Program Office and the Alcohol, Drug Abuse, and Mental Health Program Office of the Department of Health and Rehabilitative Services; providing for outsourcing the physical-plant operation of facilities owned or leased by the Department of Health and Rehabilitative Services; defining "operation"; requiring a report; amending ss. 397.821 and 397.901, F.S., relating to juvenile substance abuse impairment prevention and early intervention councils and prototype juvenile addictions receiving facilities, respectively, to conform; amending s. 113.01, F.S.; revising provisions which prescribe the fee for issuance of a commission by the Governor; amending s. 117.01, F.S.; revising provisions relating to fees for becoming a notary public; increasing the notary performance bond; providing an annual fee for surety companies which issue notary bonds; requiring

that certain application materials be submitted in formats approved by the Department of State; amending s. 120.57, F.S.; providing for videotaping of testimony in administrative hearings; amending ss. 120.53, 120.54, and 120.62, F.S., to conform; amending s. 121.051, F.S., relating to participation in the Florida Retirement System, to grandfather in certain blind vending facility operators as state employees for purposes of membership in the Florida Retirement System; providing for optional withdrawal from the system; providing that blind vending facility operators licensed on or after a certain date are deemed independent contractors; amending ss. 121.052, 121.055, and 121.071, F.S.; changing contribution rates for specified classes and subclasses of the Florida Retirement System to implement rate changes as required by law; repealing s. 121.057, F.S., relating to certain contribution rate adjustments improperly codified; amending s. 121.40, F.S.; changing contribution rates for the supplemental retirement plan for the Institute of Food and Agricultural Sciences at the University of Florida; amending s. 413.051, F.S., relating to operation of vending stands by certain eligible blind persons; providing for payment of retirement contributions from certain proceeds; providing for optional withdrawal of such blind vending facility operators from the Florida Retirement System; providing for ineligibility to participate in the Florida Retirement System under certain circumstances; providing for promulgation of rules; providing a directive to the statute editors with respect to contribution rate adjustments; amending s. 216.301, F.S.; providing for certification forward of certain funds appropriated to the Department of Revenue; amending s. 252.55, F.S.; revising funding provisions for the Florida Wing of the Civil Air Patrol; creating s. 284.45, F.S.; prescribing duties of state agencies covered by the state risk management program with respect to funding costs for employees entitled to workers' compensation benefits; defining "salary indemnification costs"; providing for indemnification of the Florida Casualty Insurance Risk Management Trust Fund; requiring reports to the Governor and Legislature; providing for transfer of funds; amending s. 514.033, F.S.; providing and revising fees applicable to regulation of public swimming and bathing facilities; repealing chapter 575, F.S., to abolish the "Florida Certification Seed Law"; amending ss. 570.44, 570.45, 578.13, and 578.30, F.S.; correcting references, to conform; repealing part III of chapter 585, F.S., relating to animal and animal product inspection and labeling; repealing s. 205.1951, F.S., relating to prerequisites to issuing a local occupational license, to conform; amending ss. 570.50 and 570.51, F.S., relating to duties of the Division of Food Safety, to conform; amending s. 768.28, F.S., relating to waiver of sovereign immunity; revising requirements for instituting a claim against the state or its agencies or subdivisions; repealing ss. 828.22-828.26, F.S., relating to humane slaughter requirements; amending ss. 877.05 and 877.06, F.S., relating to criminal prohibitions applicable to certain slaughtering, to conform; transferring the crash data unit from the Department of Highway Safety and Motor Vehicles to the Department of Transportation; authorizing the Department of Business and Professional Regulation to sell a specified regional service center; providing for deposit and distribution of the proceeds from the sale; providing effective dates.

—was taken up out of order and by two-thirds vote was read the second time by title.

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

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. In furtherance of the modifications to the budget made in the 1996 General Appropriations Act, provisions of law are revised so that they can be efficiently administered within the amounts appropriated.

Section 2. This act shall take effect July 1, 1996.

And the title is amended as follows:

On page 1, line 3, delete everything after the semicolon (;) and insert: providing an effective date.

On motion by Senator Diaz-Balart, by two-thirds vote **HB 2723** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

MOTION

On motion by Senator Diaz-Balart, the House was requested to concur in the Senate amendment to **HB 2723**, and in the event the House refuses to concur, moved that the bill be referred to the Appropriations Conference Committee.

On motions by Senator Diaz-Balart, by unanimous consent—

HB 2719—A bill to be entitled An act relating to reducing the cost of government; modifying various provisions of law in the area of education to reduce governmental functions through repeal, transfer, or privatization of such functions; amending s. 236.013, F.S., relating to public school finance; revising definitions; amending s. 236.081, F.S.; revising provisions relating to determination of allocations to school districts for operation of schools; revising procedures for calculation; amending s. 237.34, F.S.; deleting certain cost reporting and program expenditure requirements; amending s. 240.209, F.S., relating to powers and duties of the Board of Regents; authorizing approval of the collection and expenditure of differential student fees; amending s. 240.4067, F.S., relating to the Medical Education Reimbursement and Loan Repayment Program; providing for administration by the Board of Regents; providing an effective date.

—was taken up out of order and by two-thirds vote was read the second time by title.

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

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. In furtherance of the modifications to the budget made in the 1996 General Appropriations Act, provisions of law are revised so that they can be efficiently administered within the amounts appropriated.

Section 2. This act shall take effect July 1, 1996.

And the title is amended as follows:

On page 1, line 3, delete everything after the semicolon (;) and insert: providing an effective date.

On motion by Senator Diaz-Balart, by two-thirds vote **HB 2719** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

MOTION

On motion by Senator Diaz-Balart, the House was requested to concur in the Senate amendment to **HB 2719**, and in the event the House refuses to concur, moved that the bill be referred to the Appropriations Conference Committee.

On motions by Senator Diaz-Balart, by unanimous consent—

HB 1621—A bill to be entitled An act relating to reducing the cost of government; modifying various provisions of law in the area of Medicaid services to reduce governmental functions through repeal, transfer, or privatization of such functions; amending s. 409.901, F.S.; revising the definition of “medical services” or “medical care”; amending s. 409.904, F.S.; conforming terminology; amending s. 409.905, F.S., relating to mandatory Medicaid services; providing requirements relating to provision of home health care services; revising the limit on hospital stays for certain Medicaid recipients; requiring transportation services provided to be medically necessary; amending s. 409.906, F.S., relating to optional Medicaid services; revising requirements for reimbursement for community mental health services; providing requirements for reimbursement for intermediate care facilities for the developmentally disabled; amending s. 409.907, F.S., relating to Medicaid provider agreements; revising references to clarify that the Agency for Health Care Administration is the state Medicaid agency; authorizing the agency to require a surety

bond from a provider; amending s. 409.908, F.S., relating to reimbursement of Medicaid providers; authorizing the use of competitive bidding for certain Medicaid services; providing for limiting inflationary increases for outpatient hospital services; conforming a reference; providing requirements for reimbursement to nursing homes for reserved or held beds; providing for reimbursement of certain services based on capitation rates; authorizing certain Medicaid providers to participate in a waiver; authorizing the use of a variable dispensing fee for Medicaid pharmacy services; providing requirements for reimbursement of transportation services; authorizing the contracting for such services using a block grant or prepaid capitation rate; amending s. 409.912, F.S.; authorizing the use of competitive bidding for certain Medicaid services; repealing s. 409.918(2), F.S., relating to a requirement to annually deposit certain funds into the Public Medical Assistance Trust Fund; providing an effective date.

—was taken up out of order and by two-thirds vote was read the second time by title.

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

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. In furtherance of the modifications to the budget made in the 1996 General Appropriations Act, provisions of law are revised so that they can be efficiently administered within the amounts appropriated.

Section 2. This act shall take effect July 1, 1996.

And the title is amended as follows:

On page 1, line 3, delete everything after the semicolon (;) and insert: providing an effective date.

On motion by Senator Diaz-Balart, by two-thirds vote **HB 1621** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

MOTION

On motion by Senator Diaz-Balart, the House was requested to concur in the Senate amendment to **HB 1621**, and in the event the House refuses to concur, moved that the bill be referred to the Appropriations Conference Committee.

On motions by Senator Diaz-Balart, by unanimous consent—

HB 2725—A bill to be entitled An act relating to reducing the cost of government; modifying various provisions of law relating to intermediate care facilities for the developmentally disabled to reduce the cost of providing certain services provided to individuals with developmental disabilities through utilization of the home and community-based services waiver; authorizing certain licensure of facilities eligible to receive reimbursement through the Intermediate Care Facility for the Developmentally Disabled program on a specified date and providing that clients in such facilities may receive services through the home and community-based services waiver; providing legislative findings and intent; amending s. 393.063, F.S.; revising the definition of “intermediate care facility for the developmentally disabled”; amending s. 393.067, F.S.; eliminating provisions relating to licensure of intermediate care facilities for the developmentally disabled of six beds or less; repealing s. 393.16, F.S., relating to the Intermediate Care Facilities Trust Fund; providing for transfer of remaining funds to the Community Resources Development Trust Fund; providing an effective date.

—was taken up out of order and by two-thirds vote was read the second time by title.

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

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. In furtherance of the modifications to the budget made in the 1996 General Appropriations Act, provisions of law are revised so that they can be efficiently administered within the amounts appropriated.

Section 2. This act shall take effect July 1, 1996.

And the title is amended as follows:

On page 1, line 3, delete everything after the semicolon (;) and insert: providing an effective date.

On motion by Senator Diaz-Balart, by two-thirds vote **HB 2725** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

MOTION

On motion by Senator Diaz-Balart, the House was requested to concur in the Senate amendment to **HB 2725**, and in the event the House refuses to concur, moved that the bill be referred to the Appropriations Conference Committee.

MOTIONS

On motion by Senator Jennings, by two-thirds vote all bills remaining on the Special Order Calendar this day were established as the Special Order Calendar for Wednesday, May 1.

On motion by Senator Jennings, the rules were waived and by two-thirds vote **CS for SB 46, SB 48, SB 54, SJR 58, CS for SB 106, CS for SB 176, CS for SB's 282 and 1224, CS for CS for SB 310, CS for SB 536, SB 792, SB 900, SB 942, CS for SB 1028, SB 1068, SB 1094, SB 1118, SB 1296, CS for SB 1692, CS for SB 1816, SB 1860, CS for SB 1940, CS for SB 1950, CS for SB 1986, CS for SB 2000, CS for SB 2002, SB 2186, SB 2188, SB 2194, CS for SB 2276, SB 2344, SB 2354, CS for SB 2414, SB 2494, CS for SB 2508, SB 2778, CS for SB 2784, SB 2830 and CS for SB 2954** were established as a non-controversial Special Order Calendar for Wednesday, May 1.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Tuesday, April 30, 1996: **HB 403, SB 3126, SB 1290, CS for SB 330, CS for SB 2710, CS for SB 2564, SB 2890, CS for SB 434, CS for SB 494, SB 630, CS for SB 1280, CS for CS for SB 16, SB 590, CS for CS for SB's 234 and 542, CS for SB 1096, SB 1870, SB 1850, CS for CS for SB 228, CS for SB 910, SB 820, SB 2368, HB 157, SB 1812, SB 1278, SB 1274, CS for SB 222, CS for SB's 386, 732 and 1208, CS for SB 1288, CS for SB 892, SB 2760, CS for SB 2008, CS for SB 1180, CS for SB 526**

Respectfully submitted,
Toni Jennings, Chairman

The Committee on Rules and Calendar submits the following bills to be placed on the Local Bill Calendar for Tuesday, April 30, 1996: **SB 1122, SB 3022, SB 3082, SB 3084, SB 3086, SB 3088, SB 3094, CS for SB 3098, SB 3104, SB 3106, SB 3110, SB 3112, SB 3116, SB 3118, SB 3120, SB 3122**

Respectfully submitted,
Toni Jennings, Chairman

The Committee on Rules and Calendar submits the following bills to be placed on the Claim Bill Calendar for Tuesday, April 30, 1996: **SB 124, SB 530, SB 534, SB 594, SB 780, SB 838, SB 908, SB 1000, SB 1040, SB 1160, SB 1172, SB 1218, SB 1688, SB 2592, SB 2654, SB 2728, SB 2730, SB 2884, SB 2934, SB 3072**

Respectfully submitted,
Toni Jennings, Chairman

The Committee on Ways and Means recommends the following pass: **SJR 1098**

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

The Committee on Ways and Means recommends the following pass: **CS for CS for SB 126 with 3 amendments, SB 148, SB 170 with 1 amendment, SB 276 with 2 amendments, SB 302, SB 364, SB 392, SB 402 with 1 amendment, SB 486, SB 498, CS for CS for SB's 586 and 1144, CS for SB 626 with 1 amendment, SB 628, SB 666 with 2 amendments, CS for SB 698 with 3 amendments, SB 738 with 7 amendments, SB 806 with 1 amendment, SB 826, SB 1142 with 1 amendment, SB 1148, SB 1264, SB 2354, SB 2678, CS for SB 2832**

The bills were placed on the calendar.

The Committee on Ways and Means recommends committee substitutes for the following: **SB 510, CS for SB 648, CS for SB 866**

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

REPORT OF JOINT SELECT COMMITTEE

The Joint Select Committee on Collective Bargaining convened pursuant to Section 447.403(4)(c), Florida Statutes, met from 7:00 p.m. until 9:00 p.m. on April 29, 1996, in Room 309(1C) of the Capitol, for the purpose of conducting a public hearing on issues at collective bargaining impasse.

Testimony was received from representatives of the State of Florida and its agencies, as well as representatives of the affected employee groups: United Faculty of Florida, Graduate Assistants United, and the Florida Nurses Association.

Upon conclusion of the presentation, the Co-Chairs thanked the participating parties and announced that the disputed issues would be taken under advisement by the Joint Select Committee on Collective Bargaining and that resolution would follow at a later date. The Joint Select Committee adjourned at 9:00 p.m. Copies of presentation and other pertinent materials have been retained by staff and, for purposes of future public inquiry, are available through the Senate Committee on Governmental Reform and Oversight and the House Committee on Governmental Operations.

Respectfully submitted,

Robert T. Harden
Co-Chair

Lori Edwards
Co-Chair

COMMITTEE SUBSTITUTES

FIRST READING

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

CS for SB 510—A bill to be entitled An act relating to intangible personal property tax; amending s. 199.185, F.S.; exempting from payment of intangible property taxes property held under a retirement plan of corporations meeting specified criteria; amending ss. 199.052, 213.053, and 213.054, F.S.; conforming cross-references; amending s. 199.185, F.S.; providing circumstances under which credit card receivables of a bank are exempt from the tax on intangible personal property; providing an effective date.

By the Committees on Ways and Means; Natural Resources; and Senator Dantzler—

CS for CS for SB 648—A bill to be entitled An act relating to petroleum underground storage tanks; amending s. 376.30, F.S.; establishing priorities for payments from the Inland Protection Trust Fund; amending s. 376.301, F.S.; providing definitions; amending s. 376.303, F.S.;

deleting obsolete language with respect to powers and duties of the Department of Environmental Protection; including an additional type of storage tank within a group which is not required to be registered under the program for aboveground hazardous substance tanks; amending s. 376.305, F.S.; deleting language with respect to certain persons who may be entitled to reimbursement for rendering assistance in containing or removing certain pollutants; providing for waiver of certain storage system closure requirements under certain circumstances; providing for site rehabilitation funding; amending s. 376.3071, F.S.; providing additional legislative findings; providing for the creation of a nonprofit public benefit corporation to assist the state in financing certain functions; providing legislative intent regarding duties of the department relating to improving the efficiency of the Petroleum Restoration Program and site rehabilitation; revising provisions relating to the Inland Protection Trust Fund; providing for additional uses of moneys in the fund; revising language with respect to the duty of the department to adopt rules for site selections and cleanup; providing criteria; revising provisions relating to the department's duty to seek recovery and reimbursement; providing criteria for voluntary cleanup; specifying nonreimbursable cleanup; providing for the application of programs for reimbursement for cleanup expenses; limiting certain amounts of reimbursement; requiring the department to develop schedule of reimbursement payments; requiring payment of reimbursement based on present value; providing for the granting and variances of a waiver; providing for a petroleum cleanup participation program; requiring the department to implement a cost-sharing cleanup program to provide rehabilitation funding assistance under certain circumstances; providing criteria; providing procedures; providing for eligibility; requiring a copayment; requiring a limited contamination assessment report; providing limitations; providing exceptions; amending s. 376.30711, F.S.; revising language with respect to eligibility for site rehabilitation reimbursement; providing for preapproved site rehabilitation; providing legislative declarations; requiring the department to use competitive bid procedures or negotiated contracts for certain purposes; providing procedures; providing criteria; providing limitations; requiring the department to conduct a pilot project for certain purposes; providing for a report; creating s. 376.30713, F.S.; providing for preapproved advanced cleanup; providing legislative findings; providing procedures for applications; providing requirements; authorizing the department to contract for preapproved advanced cleanup; requiring a report; providing for future repeal; amending s. 376.3072, F.S.; revising provisions relating to the Florida Petroleum Liability and Restoration Insurance Program; providing additional criteria; providing for a supplemental deductible; providing for redetermination of eligibility for insurance; amending s. 376.3073, F.S.; directing the department to contract with local governments for certain cleanup operations under certain circumstances; creating s. 376.3075, F.S.; creating the Inland Protection Financing Corporation to assist the department in financing petroleum contamination site remediation; providing for a board of directors; providing powers and duties; authorizing the corporation to contract with the department for certain purposes; authorizing the corporation to issue and incur indebtedness; providing limitations; providing requirements; exempting the corporation from all taxation; authorizing the corporation to validate obligations; providing for termination of the corporation; amending s. 376.308, F.S.; providing that certain persons shall not be subject to certain administrative or judicial actions to complete site rehabilitation; amending s. 376.311, F.S.; revising provisions relating to penalties for discharge; prohibiting certain employees of the department to hold employment or have a contractual arrangement with certain entities; amending ss. 287.0595 and 316.302, F.S.; correcting cross references; repealing s. 376.30712, F.S., relating to enforcement of rehabilitation schedules; repealing s. 376.3074, F.S., relating to noncompliance fees; providing severability; providing an appropriation; providing an effective date.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State SB 1326, SB 1410, SB 1516, SB 1618 and SB 1620 which will become law without his signature on May 1, 1996.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable James A. Scott, President

I am directed to inform the Senate that the House of Representatives has passed HB 1273, HB 1621, HB 2719, HB 2721, HB 2723 and HB 2725; has passed as amended CS for HB's 173, 1851 and 2547, CS for HB 571, HB 1015, CS for HB 1949, HB 2307, CS for HB 2469 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representative Upchurch—

HB 1273—A bill to be entitled An act relating to the City of Flagler Beach, Flagler County; authorizing the extension and enlargement of the corporate limits of the city to include unincorporated real property in Volusia County; providing an effective date.

Proof of publication of the required notice was attached.

(Substituted for **SB 1122** on the Local Bill Calendar this day.)

By the Committee on Appropriations and Representative Ritchie—

HB 1621—A bill to be entitled An act relating to reducing the cost of government; modifying various provisions of law in the area of Medicaid services to reduce governmental functions through repeal, transfer, or privatization of such functions; amending s. 409.901, F.S.; revising the definition of "medical services" or "medical care"; amending s. 409.904, F.S.; conforming terminology; amending s. 409.905, F.S., relating to mandatory Medicaid services; providing requirements relating to provision of home health care services; revising the limit on hospital stays for certain Medicaid recipients; requiring transportation services provided to be medically necessary; amending s. 409.906, F.S., relating to optional Medicaid services; revising requirements for reimbursement for community mental health services; providing requirements for reimbursement for intermediate care facilities for the developmentally disabled; amending s. 409.907, F.S., relating to Medicaid provider agreements; revising references to clarify that the Agency for Health Care Administration is the state Medicaid agency; authorizing the agency to require a surety bond from a provider; amending s. 409.908, F.S., relating to reimbursement of Medicaid providers; authorizing the use of competitive bidding for certain Medicaid services; providing for limiting inflationary increases for outpatient hospital services; conforming a reference; providing requirements for reimbursement to nursing homes for reserved or held beds; providing for reimbursement of certain services based on capitation rates; authorizing certain Medicaid providers to participate in a waiver; authorizing the use of a variable dispensing fee for Medicaid pharmacy services; providing requirements for reimbursement of transportation services; authorizing the contracting for such services using a block grant or prepaid capitation rate; amending s. 409.912, F.S.; authorizing the use of competitive bidding for certain Medicaid services; repealing s. 409.918(2), F.S., relating to a requirement to annually deposit certain funds into the Public Medical Assistance Trust Fund; providing an effective date.

(Taken up out of order and passed this day.)

By the Committee on Appropriations and Representative Ritchie—

HB 2719—A bill to be entitled An act relating to reducing the cost of government; modifying various provisions of law in the area of education to reduce governmental functions through repeal, transfer, or privatization of such functions; amending s. 236.013, F.S., relating to public school finance; revising definitions; amending s. 236.081, F.S.; revising provisions relating to determination of allocations to school districts for operation of schools; revising procedures for calculation; amending s. 237.34, F.S.; deleting certain cost reporting and program expenditure requirements; amending s. 240.209, F.S., relating to powers and duties

of the Board of Regents; authorizing approval of the collection and expenditure of differential student fees; amending s. 240.4067, F.S., relating to the Medical Education Reimbursement and Loan Repayment Program; providing for administration by the Board of Regents; providing an effective date.

(Taken up out of order and passed this day.)

By the Committee on Appropriations and Representative Ritchie—

HB 2721—A bill to be entitled An act relating to reducing the cost of government; modifying various provisions of law in the areas of criminal justice and corrections to reduce governmental functions through repeal, transfer, or privatization of such functions; amending s. 39.003, F.S., relating to the Juvenile Justice Advisory Board; providing for appointment of an executive director of the board; assigning the board, for administrative purposes, to the Legislature; providing for development of a budget pursuant to procedures established by the Legislature; creating s. 215.607, F.S.; providing for bond financing for state correctional and juvenile justice facilities; transferring functions of the Corrections Mental Health Institution from the Department of Health and Rehabilitative Services to the Department of Corrections; amending ss. 945.41, 945.42, 945.43, 945.44, 945.45, 945.46, 945.47, 945.48, and 945.49, F.S., to conform; eliminating a provision relating to data collection of information on mental health services; amending s. 947.002, F.S.; transferring certain responsibilities of the Parole Commission from the chairman to the executive director; amending s. 947.01, F.S., relating to creation and membership of the commission; requiring the membership of the commission to be reduced from six to three by October 1, 1996; deleting a provision requiring the Secretary of Corrections to act in a liaison capacity between the commission and the department; amending s. 947.02, F.S.; revising the process for designating the chairman of a parole qualifications committee; amending s. 947.04, F.S.; revising the process for designating officers of the commission; providing for appointment of an executive director and providing authority and duties thereof; reenacting and amending s. 947.06, F.S., relating to meetings of the commission and when the commission may act, and repealing a version of the section which has been superseded; revising a provision relating to modification of acts and decisions of the chairman, to conform; amending s. 947.146, F.S., relating to the Control Release Authority; revising provisions relating to control release; revising purpose of the authority; providing that no inmate has a right to a control release date; providing for suspension of the establishment of control release dates; requiring the authority to resume establishing control release dates under certain circumstances; amending s. 947.173, F.S.; eliminating a restriction on who may serve on a panel for the review of a presumptive parole release date; amending ss. 957.03, 957.04, 957.05, 957.06, 957.07, 957.09, 957.11, 957.125, 957.13, 957.14, and 957.15, F.S.; authorizing the Correctional Privatization Commission to contract for juvenile commitment facilities and providing requirements with respect thereto; amending s. 944.023, F.S.; correcting a reference, to conform; providing effective dates.

(Taken up out of order and passed this day.)

By the Committee on Appropriations and Representative Ritchie—

HB 2723—A bill to be entitled An act relating to reducing the cost of government; modifying various provisions of law in the area of governmental operations to reduce governmental functions through repeal, transfer, or privatization of such functions; amending s. 20.19, F.S.; revising responsibilities of the Children and Families Program Office and the Alcohol, Drug Abuse, and Mental Health Program Office of the Department of Health and Rehabilitative Services; providing for outsourcing the physical-plant operation of facilities owned or leased by the Department of Health and Rehabilitative Services; defining "operation"; requiring a report; amending ss. 397.821 and 397.901, F.S., relating to juvenile substance abuse impairment prevention and early intervention councils and prototype juvenile addictions receiving facilities, respectively, to conform; amending s. 113.01, F.S.; revising provisions which prescribe the fee for issuance of a commission by the Governor; amending s. 117.01, F.S.; revising provisions relating to fees for becoming a notary public; increasing the notary performance bond; providing an annual fee for surety companies which issue notary bonds; requiring that certain application materials be submitted in formats approved by

the Department of State; amending s. 120.57, F.S.; providing for videotaping of testimony in administrative hearings; amending ss. 120.53, 120.54, and 120.62, F.S., to conform; amending s. 121.051, F.S., relating to participation in the Florida Retirement System, to grandfather in certain blind vending facility operators as state employees for purposes of membership in the Florida Retirement System; providing for optional withdrawal from the system; providing that blind vending facility operators licensed on or after a certain date are deemed independent contractors; amending ss. 121.052, 121.055, and 121.071, F.S.; changing contribution rates for specified classes and subclasses of the Florida Retirement System to implement rate changes as required by law; repealing s. 121.057, F.S., relating to certain contribution rate adjustments improperly codified; amending s. 121.40, F.S.; changing contribution rates for the supplemental retirement plan for the Institute of Food and Agricultural Sciences at the University of Florida; amending s. 413.051, F.S., relating to operation of vending stands by certain eligible blind persons; providing for payment of retirement contributions from certain proceeds; providing for optional withdrawal of such blind vending facility operators from the Florida Retirement System; providing for ineligibility to participate in the Florida Retirement System under certain circumstances; providing for promulgation of rules; providing a directive to the statute editors with respect to contribution rate adjustments; amending s. 216.301, F.S.; providing for certification forward of certain funds appropriated to the Department of Revenue; amending s. 252.55, F.S.; revising funding provisions for the Florida Wing of the Civil Air Patrol; creating s. 284.45, F.S.; prescribing duties of state agencies covered by the state risk management program with respect to funding costs for employees entitled to workers' compensation benefits; defining "salary indemnification costs"; providing for indemnification of the Florida Casualty Insurance Risk Management Trust Fund; requiring reports to the Governor and Legislature; providing for transfer of funds; amending s. 514.033, F.S.; providing and revising fees applicable to regulation of public swimming and bathing facilities; repealing chapter 575, F.S., to abolish the "Florida Certification Seed Law"; amending ss. 570.44, 570.45, 578.13, and 578.30, F.S.; correcting references, to conform; repealing part III of chapter 585, F.S., relating to animal and animal product inspection and labeling; repealing s. 205.1951, F.S., relating to prerequisites to issuing a local occupational license, to conform; amending ss. 570.50 and 570.51, F.S., relating to duties of the Division of Food Safety, to conform; amending s. 768.28, F.S., relating to waiver of sovereign immunity; revising requirements for instituting a claim against the state or its agencies or subdivisions; repealing ss. 828.22-828.26, F.S., relating to humane slaughter requirements; amending ss. 877.05 and 877.06, F.S., relating to criminal prohibitions applicable to certain slaughtering, to conform; transferring the crash data unit from the Department of Highway Safety and Motor Vehicles to the Department of Transportation; authorizing the Department of Business and Professional Regulation to sell a specified regional service center; providing for deposit and distribution of the proceeds from the sale; providing effective dates.

(Taken up out of order and passed this day.)

By the Committee on Appropriations and Representative Ritchie—

HB 2725—A bill to be entitled An act relating to reducing the cost of government; modifying various provisions of law relating to intermediate care facilities for the developmentally disabled to reduce the cost of providing certain services provided to individuals with developmental disabilities through utilization of the home and community-based services waiver; authorizing certain licensure of facilities eligible to receive reimbursement through the Intermediate Care Facility for the Developmentally Disabled program on a specified date and providing that clients in such facilities may receive services through the home and community-based services waiver; providing legislative findings and intent; amending s. 393.063, F.S.; revising the definition of "intermediate care facility for the developmentally disabled"; amending s. 393.067, F.S.; eliminating provisions relating to licensure of intermediate care facilities for the developmentally disabled of six beds or less; repealing s. 393.16, F.S., relating to the Intermediate Care Facilities Trust Fund; providing for transfer of remaining funds to the Community Resources Development Trust Fund; providing an effective date.

(Taken up out of order and passed this day.)

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

CS for HB's 173, 1851 and 2547—A bill to be entitled An act relating to regulatory matters and criminal penalties related to driving or operating a vehicle or vessel under the influence; amending s. 322.292, F.S.; creating a DUI Commission in the Department of Highway Safety and Motor Vehicles; providing for the appointment of members and powers and duties; amending s. 322.293, F.S.; transferring the DUI Programs Coordination Trust Fund to the commission; providing for the uses of the trust funds; providing for assessment fees; repealing s. 322.095, F.S., relating to traffic law and substance abuse education program for driver's license applicants; amending s. 322.271, F.S., relating to driver license revocation, cancellation, or suspension, to include reference to the commission; amending s. 322.291, F.S.; providing reference to the commission; amending ss. 318.1451, 322.08, and 397.405, F.S.; correcting cross references to conform to the act; creating the "Christina Elina Garcia Act"; amending ss. 316.193, 782.071, and 782.072, F.S.; providing an enhanced penalty for the offense of DUI manslaughter that is the result of operating a motor vehicle or vessel if the person knew, or should have known, that the accident occurred and failed to give information and render aid; amending s. 90.803, F.S.; pertaining to admissibility of evidence; revising a cross reference to conform to changes made by the act; amending s. 316.193, F.S.; specifying the blood-alcohol level or breath-alcohol level that constitutes a crime; revising the penalty for a third or subsequent conviction for operating a vehicle while under the influence; extending the time period for penalty provisions; providing for a minimum period of consecutive incarceration; amending s. 316.1932, F.S.; providing for implied consent to submit to a blood test to detect chemical substances or controlled substances; providing that a blood test may be conducted in an ambulance or similar vehicle; amending s. 316.1934, F.S.; specifying the blood-alcohol level or breath-alcohol level that constitutes a crime; providing for presumptions relating to impairment to be based on blood-alcohol level or breath-alcohol level; amending s. 322.2615, F.S.; providing for suspension of a driver's license for an unlawful breath-alcohol level; amending s. 322.62, F.S.; specifying the blood-alcohol level or breath-alcohol level that constitutes a crime; providing for measurements of blood-alcohol level or breath-alcohol level of commercial motor vehicle operators; amending s. 322.64, F.S.; specifying the blood-alcohol level or breath-alcohol level that constitutes a crime; providing for transmission of breath or urine test results; disqualifying operators of commercial motor vehicles under certain circumstances; amending s. 327.30, F.S.; clarifying and conforming provisions relating to reporting collisions, accidents, and casualties to federal requirements; creating s. 327.301, F.S.; providing for written reports of boating accidents; conforming procedures to those used for motor vehicle accident reports; amending s. 327.31, F.S.; clarifying and conforming provisions relating to transmittal of information; removing an obsolete reference to the Division of Marine Resources; amending s. 327.35, F.S.; specifying the blood-alcohol level or breath-alcohol level that constitutes a crime; revising the penalties for subsequent convictions within specified periods for the offense of operating a vessel while under the influence; extending the time period for penalty provisions; providing for a minimum period of consecutive incarceration; clarifying and conforming provisions relating to boating under the influence to those for driving under the influence; providing penalties; repealing s. 327.351, F.S., relating to operation of a vessel while intoxicated; amending s. 327.352, F.S.; specifying the blood-alcohol level or breath-alcohol level that constitutes a crime; clarifying and conforming provisions relating to tests for boating under the influence to those for driving under the influence; repealing s. 327.3521, F.S., relating to failure to take a test for boating under the influence; amending s. 327.353, F.S.; clarifying and conforming provisions relating to blood tests for boating under the influence in cases of death or serious bodily injury to those for driving under the influence; amending s. 327.354, F.S.; specifying the blood-alcohol level or breath-alcohol level that constitutes a crime; providing for presumptions relating to impairment to be based on blood-alcohol level or breath-alcohol level; clarifying and conforming provisions relating to presumptions of impairment in boating under the influence to those for driving under the influence; amending s. 327.36, F.S.; replacing an obsolete cross reference; conforming provisions relating to blood or breath alcohol level; amending s. 921.0012, F.S.; providing for assignment of certain felony vehicle and vessel offenses in the sentencing guidelines offense severity ranking chart; amending s. 550.24055, F.S., pertaining to certain pari-mutuel wagering licensees; revising a cross reference to conform to changes made by the act; amending s. 322.12, F.S.; providing for an additional fee to the reinstatement fee for a driver's license that was

suspended or revoked for driving under the influence; providing for the disposition of the fee to prosecutors; providing effective dates.

(Substituted for **CS for CS for SB 16** on the Special Order Calendar this day.)

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

CS for HB 571—A bill to be entitled An act relating to prosecutors and their investigators; amending s. 27.14, F.S., relating to assigning state attorneys to other circuits; clarifying language and expanding time periods for exchange and assignments; amending s. 27.255, F.S.; expanding the area where certain state attorney investigators may serve a witness subpoena in a criminal case or investigation; authorizing the investigator to make such service anywhere within the state; providing for notice to be given to the sheriff of the county where service will be attempted; amending s. 843.08, F.S., relating to prohibitions against falsely personating law enforcement officers; defining the crimes of falsely assuming or pretending to be a state attorney or assistant state attorney and falsely assuming or pretending to be the statewide prosecutor or an assistant statewide prosecutor; providing penalties and enhanced penalties; providing effective dates.

(Substituted for **CS for CS for SB's 234 and 542** on the Special Order Calendar this day.)

By Representative Edwards and others—

HB 1015—A bill to be entitled An act relating to excise tax on documents; amending s. 201.08, F.S.; exempting from tax receipts and other records of credit card, charge card, and debit card transactions; providing a waiver of taxes not collected on certain documents; providing an effective date.

(Substituted for **CS for SB 2564** on the Special Order Calendar this day.)

By the Committee on Judiciary and Representative Klein and others—

CS for HB 1949—A bill to be entitled An act relating to child support enforcement; amending s. 61.11, F.S.; providing requirements with respect to the issuance by a court of a writ of bodily attachment in connection with a court-ordered child support obligation; amending s. 943.05, F.S.; providing for the establishment, implementation, and maintenance of a system to transmit information about writs of bodily attachment with respect to court-ordered child support; providing an effective date.

(Substituted for **SB 1870** on the Special Order Calendar this day.)

By Representative Ball—

HB 2307—A bill to be entitled An act relating to Brevard County; amending chapter 71-544, Laws of Florida, as amended; changing the boundaries of Brevard County Recreation District Number Four; providing an effective date.

Proof of publication of the required notice was attached.

(Substituted for **SB 3082** on the Local Bill Calendar this day.)

By the Committee on Corrections and Representative Peadar and others—

CS for HB 2469—A bill to be entitled An act relating to correctional work programs; amending s. 946.502, F.S., relating to legislative intent with respect to operation of correctional work programs; conforming references to changes made by the act; amending s. 946.5025, F.S.; allowing the corporation authorized to operate correctional work programs to enter into a contract with an operator of a private correctional facility; amending s. 946.503, F.S.; conforming references; redefining the

term "inmate" to include a prisoner incarcerated within a county, municipal, or private correctional facility; defining the term "private correctional facility"; amending s. 946.504, F.S.; deleting obsolete provisions; deleting a requirement that rent paid by the corporation be deposited into the Correctional Programs Trust Fund; amending s. 946.506, F.S., relating to modification or termination of correctional work programs by the corporation; conforming references to changes made by the act; amending s. 946.509, F.S.; authorizing the corporation to secure private insurance coverage; requiring that the corporation provide the Division of Risk Management of the Department of Insurance with specified documentation of such coverage; amending s. 946.515, F.S.; authorizing the corporation to furnish goods or services to additional specified entities; prohibiting the corporation from breeding or selling live tropical fish; amending s. 946.516, F.S.; deleting certain requirements of the corporation for reports and audits; providing for application of certain accounting principles; amending s. 946.518, F.S.; 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; repealing s. 946.24, F.S., relating to the sale of tags to the Jaycees; repealing s. 946.507, F.S., relating to funds appropriated to the corporation; providing an effective date.

(Substituted for CS for SB 494 on the Special Order Calendar this day.)

RETURNING MESSAGES ON SENATE BILLS

The Honorable James A. Scott, President

I am directed to inform the Senate that the House of Representatives has refused to recede from House Amendment 1 to CS for SB 1662 and has acceded to the request of the Senate for the appointment of a conference committee.

The Speaker of the House of Representatives has appointed as conferees on the part of the House: Representative Brennan, Chair; Reps. Casey, Clemons, Eggelton, and Littlefield; Reps. Arnall, Frankel, La-casa and Tobin as alternates.

John B. Phelps, Clerk

CS for SB 1662—A bill to be entitled An act relating to welfare reform; providing a new title for ch. 414, F.S.; creating s. 414.015, F.S.; designating ch. 414, F.S., as the "Work and Gain Economic Self-sufficiency (WAGES) Act"; creating s. 414.025, F.S.; providing legislative intent; creating s. 414.026, F.S.; creating the WAGES Program State Board of Directors within the Executive Office of the Governor; providing for the appointment of members and terms of office; providing for reimbursement of per diem and travel expenses; requiring the board of directors to appoint a program director to supervise the administration of the WAGES Program; providing for expiration of the board of directors and legislative review; creating s. 414.027, F.S.; requiring the board of directors to develop a WAGES Program statewide implementation plan; requiring the plan to be annually updated; creating s. 414.028, F.S.; requiring the WAGES Program State Board of Directors to create and charter local WAGES coalitions to plan and coordinate the delivery of services under the program; providing for membership of the local coalitions; providing duties and functions of the local coalitions; requiring the local coalition to develop a program plan that includes a teen pregnancy prevention component; providing for staff support for local coalitions; creating s. 414.035, F.S.; providing definitions; creating s. 414.045, F.S.; requiring the Department of Health and Rehabilitative Services to submit a state plan to the Federal Government; providing requirements for the plan; creating s. 414.055, F.S.; requiring the Division of Jobs and Benefits of the Department of Labor and Employment Security to establish jobs and benefits offices at which an individual may apply to participate in the WAGES Program or receive certain types of assistance; providing that a public employment office of the division may function as a jobs and benefits office; providing for the future transfer of the duties, personnel, and appropriations under the authority of the Department of Health and Rehabilitative Services with respect to administering the WAGES Program to the Department of Labor and Employment Security; creating s. 414.065, F.S.; providing for the Department of Labor and Employment Security to provide work activities under the WAGES Program; specifying the activities that satisfy the work requirements for a participant in the WAGES Program; providing for workers' compensation for a participant assigned to community service; requiring an adult participant in the WAGES Program to participate in work activities for a minimum number of hours each week;

providing certain exemptions from work activity requirements; providing penalties for noncompliance with work activity requirements; providing for temporary assistance to be based on pay after performance; providing exceptions to noncompliance penalties; providing work activity requirements for noncustodial parents; authorizing the Department of Labor and Employment Security to assign work requirements according to a specified priority; requiring the department to provide work activities, training, and other program services under contract when practical; providing contract requirements; creating s. 414.075, F.S.; providing eligibility standards for participating in the WAGES Program; providing for determining an individual's resources; providing that an individual who transfers resources is disqualified from participating in the WAGES Program; creating s. 414.085, F.S.; providing income eligibility standards for participating in the WAGES Program; providing for determining an individual's income; creating s. 414.095, F.S.; providing additional eligibility requirements for participating in the WAGES Program; providing eligibility for certain noncitizens; providing for eligibility of stepparents and caretaker relatives; limiting the temporary assistance available for a pregnant woman; requiring that a family cooperate with the state agency that administers the child support enforcement program; providing for program application; specifying the responsibilities of a participant in the WAGES Program; providing for determining the level of temporary assistance; providing for disregarding a certain amount of a participant's income; providing for calculating assistance levels; providing methods for paying temporary assistance; providing certain restrictions on receiving temporary assistance; providing for pre-eligibility fraud screening; providing for the assistance levels to be reduced under certain circumstances; creating s. 414.105, F.S.; providing a time limitation on program participation; providing certain exceptions; creating s. 414.115, F.S.; limiting the temporary assistance available for additional children; transferring, renumbering, and amending s. 409.1855, F.S., relating to the learnfare program; providing for a reduction in a participant's temporary assistance if a dependent child fails to comply with requirements for school attendance; transferring, renumbering, and amending s. 409.938, F.S.; requiring that a participant who has a preschool child comply with requirements for childhood immunizations; transferring, renumbering, and amending s. 409.186, F.S.; authorizing the Department of Health and Rehabilitative Services to align the requirements for specified public assistance programs; requiring the secretary of the department to notify the Legislature of certain proposed rule changes, providing for the proposed rule to take effect unless the secretary is advised that the proposed rule exceeds the delegated authority of the Legislature; creating s. 414.15, F.S.; requiring the Department of Labor and Employment Security to provide diversion assistance to an applicant in response to an emergency; providing certain limitations on diversion assistance; transferring, renumbering, and amending s. 420.627, F.S.; providing for an emergency assistance program; providing criteria for receiving assistance; providing for assistance in paying a rental security deposit; creating s. 414.17, F.S.; providing audit requirements for the WAGES Program; requiring the Department of Health and Rehabilitative Services to review waivers granted by the Federal Government and make certain determinations; creating s. 414.20, F.S.; providing additional support services to be provided under the WAGES Program if resources permit; creating s. 414.21, F.S.; providing for transitional medical benefits; creating s. 414.22, F.S.; authorizing transitional education and training for program participants; creating s. 414.23, F.S.; requiring the Department of Labor and Employment Security to evaluate the programs operated under ch. 414, F.S.; creating s. 414.25, F.S.; providing that the Department of Health and Rehabilitative Services and the Department of Labor and Employment Security are exempt from specified requirements with respect to the leasing of property; providing for expiration of the exemption; transferring and renumbering s. 409.295, F.S., relating to the appointment of a guardian; transferring and renumbering s. 409.315, F.S., relating to the payment of assistance upon death; transferring, renumbering, and amending s. 409.345, F.S.; providing that the acceptance of temporary assistance creates a debt of the person accepting assistance; providing for discharge of the debt; transferring and renumbering s. 409.355, F.S., relating to certain limitations on the use of public assistance rolls; transferring, renumbering, and amending s. 409.275, F.S.; providing for the Department of Health and Rehabilitative Services to administer the federal food stamp program; creating s. 414.32, F.S.; providing certain prohibitions and restrictions with respect to receiving food stamps; providing circumstances under which a person is disqualified from receiving food stamps; creating s. 414.33, F.S.; requiring the Department of Health and Rehabilitative Services to establish procedures for notifying federal and state agencies of violations under the food stamp program; transferring, renumbering, and amending s. 409.328, F.S., relating to the annual report of administrative complaints and disciplinary actions involving the food stamp program; transferring and renumbering s. 409.60, F.S., relating to emergency relief; transferring, renumbering, and amending s. 409.2562, F.S., relating to the public assistance overpayment recovery

program; providing for the recovery of overpayments made under the WAGES Program; transferring and renumbering s. 409.25625, F.S., relating to the privatization of the recovery of public assistance overpayments; transferring, renumbering, and amending s. 409.25655, F.S.; providing for the pilot work experience and job-training program for noncustodial parents to be established in two judicial circuits; transferring, renumbering, and amending s. 409.325, F.S., relating to penalties imposed for public assistance fraud; revising conditions that constitute prima facie evidence that a person received assistance from the state; providing for the examination of records; requiring the Department of Health and Rehabilitative Services to develop a error-prone or fraud-prone case profile within its public assistance information system; providing for screening applications against the profile; transferring and renumbering s. 409.3251, F.S., relating to the Stop Inmate Fraud Program within the Division of Public Assistance Fraud of the Office of the Auditor General; transferring, renumbering, and amending s. 409.335, F.S.; requiring the Department of Health and Rehabilitative Services to determine if recovery of certain overpayments would create extreme hardship; authorizing the department to reduce the amount of repayment under certain circumstances; transferring and renumbering s. 409.3282, F.S., relating to the dismissal of an employee of the Department of Health and Rehabilitative Services for certain actions; creating s. 414.44, F.S.; requiring the Department of Health and Rehabilitative Services to collect data necessary to administer ch. 414, F.S.; creating s. 414.45, F.S.; requiring the Department of Health and Rehabilitative Services and the Department of Labor and Employment Security to adopt rules; amending s. 230.2305, F.S.; revising requirements of the prekindergarten early intervention program to include children of parents who participate in the WAGES Program; requiring that services be provided a specified number of hours each day; amending s. 239.249, F.S.; requiring school districts and community colleges to participate in the performance-based, incentive funding program for vocational and technical education; providing for payment for vocational and technical education for participants in the WAGES Program; amending s. 402.3015, F.S.; revising provisions of the subsidized child care program; providing for eligibility to participate in the program; requiring the Department of Health and Rehabilitative Services to establish a fee schedule; providing for services to be provided under contract with community child care coordinating agencies; providing for service agreements and vouchers; requiring that a facility provide a specified amount of child care under the program; providing for insurance coverage through the Division of Risk Management of the Department of Insurance; providing for support services; requiring the department to assist recipients of subsidized child care in developing cooperative child care arrangements; amending s. 402.305, F.S., relating to licensing standards for child care facilities; revising requirements for calculating the staff-to-children ratio for a facility that employs a participant in the WAGES program; revising the minimum standard for outdoor play area for children younger than a specified age; amending s. 402.3051, F.S.; providing for reimbursing child care providers at market rates; revising definitions; requiring the Department of Health and Rehabilitative Services to establish reimbursement procedures; requiring the department and local government agencies that license child care facilities to develop and implement a plan to eliminate unnecessary inspections and abbreviate certain other inspections of child care facilities; requiring a report to the Legislature; amending s. 409.2554, F.S.; redefining the term "public assistance" for purposes of child support enforcement to include food stamps and temporary assistance paid under the WAGES Program; creating s. 409.25644, F.S.; providing for the Department of Revenue to notify persons who control credits, personal property, or debts owed to a person who is delinquent in paying a child-support obligation; providing that such credits, personal property, or debts are subject to levy by the Department of Revenue; requiring notice of intent to levy; providing for the delinquent obligor to contest the notice of levy in the circuit court or pursuant to chapter 120, F.S.; requiring the Department of Revenue to notify the Comptroller to withhold certain payments to a delinquent child-support obligor; amending s. 409.2572, F.S.; providing that an applicant for or recipient of public assistance is ineligible for assistance until the person cooperates with the state agency responsible for administering the child support enforcement program; amending s. 409.2598, F.S.; providing for the suspension or denial of a license or registration issued under ch. 370, or ch. 372, F.S., for a person who is delinquent in paying child support; amending s. 415.504, F.S.; requiring the Department of Health and Rehabilitative Services to provide the local sheriff's office with reports of child abuse involving impregnation of a child under a specified age or an unemancipated minor by a person 21 years of age or older; amending s. 827.04, F.S.; defining, as a separate offense of child abuse, the offense of a person 21 years of age or older impregnating a child under a specified age or an unemancipated minor; providing penalties; reenacting s. 787.04(5), F.S., relating to removing minors from state or concealing minors contrary to state agency order or court order, and s. 914.16, F.S., relating to limits on interviews of child abuse victims, to

incorporate the amendment to s. 827.04, F.S., in references; amending s. 901.15, F.S., relating to arrests by law enforcement officers without warrants, to conform a reference to the amendment to s. 827.04, F.S.; amending s. 921.0012, F.S.; ranking the offense of impregnating a child under a specified age or an unemancipated minor for purposes of sentencing; conforming a cross-reference to changes made by the act; amending s. 11.50, F.S., relating to the Division of Public Assistance Fraud of the Auditor General; providing for investigations with respect to assistance provided under ch. 414, F.S.; amending s. 20.19, F.S., relating to the Department of Health and Rehabilitative Services; revising duties of the Economic Services Program Office and the Children and Families Program Office to conform to changes made by the act; amending s. 39.044, F.S., relating to juvenile detention; deleting an obsolete reference; amending ss. 61.30, 97.021, 194.013, F.S., relating to child support guidelines, elections, and tax adjustments; revising references to reflect the termination of the program known as Aid to Families with Dependent Children and the creation of the WAGES Program; amending s. 216.286, F.S., relating to appropriations; deleting references to the Florida Employment Opportunity Act; amending s. 233.068, F.S., relating to job-related vocational instruction; deleting references to the program known as Project Independence and providing for program functions to be continued under the WAGES Program; amending ss. 239.117, 239.301, 240.35, F.S., relating to student fees and adult education; conforming references to changes made by the act; amending s. 240.40685, 240.61, 246.50, F.S., relating to the Certified Teacher-Aide Welfare Transition Program and the college reach-out program; conforming references to reflect the transfer of program participants to the WAGES Program; amending ss. 400.407, 400.418, 400.42, 400.618, 400.619, F.S., relating to assisted living facilities and adult family-care homes; conforming cross-references to reflect the transfer of provisions governing optional state supplementation payments to ch. 414, F.S.; amending ss. 402.27, 402.33, 402.40, 402.45, F.S., relating to the child care resource and referral network, fees for department services, child welfare training academies, and community resource programs; conforming cross-references to changes made by the act; amending ss. 409.2564, 409.2566, 409.259, 409.903, 409.910, 409.942, F.S., relating to recipients of public assistance; conforming cross-references to reflect the termination of the AFDC program and the creation of the WAGES Program; amending ss. 411.232, 411.242, F.S., relating to the Children's Early Investment Program and the Florida Education Now and Babies Later (ENABL) Program; conforming references to reflect the termination of the AFDC program and the creation of the WAGES Program; amending ss. 420.621, 420.625, 421.10, F.S., relating to public housing programs; conforming cross-references to changes made by the act; amending ss. 497.419, 772.102, 895.02, F.S., relating to funeral and cemetery services and public assistance fraud, conforming cross-references to changes made in the act; repealing ss. 402.3135, 402.3145, 409.026, 409.029, 409.185, 409.1857, 409.211, 409.2345, 409.235, 409.2351, 409.255, 409.2569, 409.326, 409.327, 409.3284, 409.921, 409.922, 409.923, 409.924, 409.925, 409.926, 409.927, 409.928, 409.929, 409.930, 409.931, 409.932, 409.933, 409.934, 409.935, 409.936, 409.937, 409.939, 409.940, 409.941, 409.943, 414.01, 414.02, 414.03, 414.04, 414.05, 414.06, 414.07, 414.08, 414.09, 414.10, 414.11, 414.12, F.S., relating to the subsidized child care case management and transportation programs; department functions with respect to social and economic services; the Florida Employment Opportunity Act; eligibility for financial assistance; the community employment and work experience program; mandatory supplementation; provisions governing the AFDC program; emergency assistance for housing; continuation of support services; penalties for violations of the food stamp program; the Family Transition Act; and obsolete provisions governing assistance for poor mothers with dependent children; providing effective dates.

CONFEREES ON CS FOR SB 1662 APPOINTED

The President had previously appointed Senator Jennings, Chairman; Senators Kurth, Holzendorf, Bankhead and Brown-Waite as conferees on CS for SB 1662.

The Honorable James A. Scott, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 2028, with amendment(s), and requests the concurrence of the Senate or, failing to concur, requests the Senate to submit the bill to the general appropriations conference committee.

John B. Phelps, Clerk

CS for SB 2028—A bill to be entitled An act implementing budget cuts made by the General Appropriations Act; revising provisions administered by the Department of State so that they can be efficiently

administered within amounts appropriated; amending s. 113.01, F.S.; revising provisions that prescribe the fee for issuance of a commission as a notary public by the Governor; amending s. 117.01, F.S.; revising provisions relating to fees for becoming a notary public; requiring certain application materials to be submitted on formats approved by the Department of State; repealing s. 493.6101(23), F.S.; deleting the definition of "proprietary security officer"; amending s. 493.6102(4), F.S.; deleting a reference to nonuniformed guards; repealing s. 493.6306, F.S., relating to proprietary security officers; providing effective dates.

House Amendment 1 (with title amendment)—On page 1, line 23 through page 4, line 29, delete all of said lines and renumber subsequent section

And the title is amended as follows:

On page 1, lines 3-19, delete all of said lines and insert: General Appropriations Act; providing effective dates.

On motion by Senator Diaz-Balart, the Senate refused to concur in the House amendment and acceded to the request that **CS for SB 2028** be submitted to the Appropriations Conference Committee.

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 2052, with amendment(s), and requests the concurrence of the Senate or, failing to concur, requests the Senate to submit the bill to the general appropriations conference committee.

John B. Phelps, Clerk

CS for SB 2052—A bill to be entitled An act relating to government efficiency; amending s. 380.511, F.S.; adding salaries to the authorized uses of the Florida Communities Trust Fund; providing an effective date.

House Amendment 1 (with title amendment)—On page 1, line 9 through page 2, line 6, delete all of said lines and renumber subsequent section

And the title is amended as follows:

On page 1, lines 3-5, delete all of said lines and insert: providing an effective date.

On motion by Senator Diaz-Balart, the Senate refused to concur in the House amendment and acceded to the request that **CS for SB 2052** be submitted to the Appropriations Conference Committee.

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 2072, with amendment(s), and requests the concurrence of the Senate or, failing to concur, requests the Senate to submit the bill to the general appropriations conference committee.

John B. Phelps, Clerk

CS for SB 2072—A bill to be entitled An act relating to the Florida Youth Conservation Corps; amending s. 334.044, F.S.; authorizing the Department of Transportation to contract with certain nonprofit organizations for roadside maintenance; amending s. 403.4132, F.S.; removing reference to the corps and encouraging the Department of Transportation and local governments to contract for certain litter-removal programs; repealing s. 369.105, F.S., which provides for the corps; creating s. 334.35, F.S.; creating the Office of Civilian Conservation within the Department of Transportation to administer the Florida Youth Conservation Corps program; providing conservation and public service components of the program; providing duties and authority of the department; providing program eligibility, length of service, and duties, providing for department rules; providing an effective date.

House Amendment 1 (with title amendment)—On page 1, line 24 through page 8, line 24, delete all of said lines and renumber subsequent section

And the title is amended as follows:

On page 1, lines 3-20, delete all of said lines and insert: Conservation Corps; providing an effective date.

On motion by Senator Diaz-Balart, the Senate refused to concur in the House amendment and acceded to the request that **CS for SB 2072** be submitted to the Appropriations Conference Committee.

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 2074, with amendment(s), and requests the concurrence of the Senate or, failing to concur, requests the Senate to submit the bill to the general appropriations conference committee.

John B. Phelps, Clerk

CS for SB 2074—A bill to be entitled An act relating to the implementation of budget cuts made by the General Appropriations Act; repealing ch. 575, F.S., which establishes the seed certification program; amending s. 578.30, F.S.; deleting obsolete cross-references; providing an effective date.

House Amendment 1 (with title amendment)—On page 1, line 11 through page 2, line 11, delete all of said lines and renumber subsequent section

And the title is amended as follows:

On page 1, lines 4-6, delete all of said lines

On motion by Senator Diaz-Balart, the Senate refused to concur in the House amendment and acceded to the request that **CS for SB 2074** be submitted to the Appropriations Conference Committee.

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 2080, with amendment(s), and requests the concurrence of the Senate or, failing to concur, requests the Senate to submit the bill to the general appropriations conference committee.

John B. Phelps, Clerk

CS for SB 2080—A bill to be entitled An act relating to administrative procedures; amending s. 120.57, F.S.; amending procedures relating to decisions that affect substantial interests; allowing videotapes of proceedings as an alternative to transcripts; providing an effective date.

House Amendment 1 (with title amendment)—On page 1, line 11 through page 8, line 9, delete all of said lines and renumber subsequent section

And the title is amended as follows:

On page 1, lines 3-6, delete all of said lines and insert: providing an

On motion by Senator Diaz-Balart, the Senate refused to concur in the House amendment and acceded to the request that **CS for SB 2080** be submitted to the Appropriations Conference Committee.

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 2116, with amendment(s), and requests the concurrence of the Senate or, failing to concur, requests the Senate to submit the bill to the general appropriations conference committee.

John B. Phelps, Clerk

CS for SB 2116—A bill to be entitled An act relating to the Department of Health and Rehabilitative Services; amending s. 402.33, F.S.; redefining the term "fee collections" for purposes of the authority of the Department of Health and Rehabilitative Services to recover moneys; authorizing the department to employ collection agencies, in specified circumstances; providing for agency fees; amending s. 409.905, F.S.; requiring that certain hospitals obtain prior authorization and concurrent review from the department prior to receiving reimbursement under the Medicaid program for inpatient services provided to mentally ill persons; amending s. 514.033, F.S.; amending provisions authorizing the department to establish fee schedules; amending the maximum and minimum allowable amounts for certain fees; providing for fees for the review of certain variance applications; providing for annual operating permit fees for public bathing places; amending the allowable amounts of annual operating permit fees for public swimming pools; repealing s. 13 of ch. 91-158, Laws of Florida, relating to the department's continuity of care management system; providing an effective date.

House Amendment 1 (with title amendment)—On page 2, line 1 through page 4, line 22, delete all of said lines and renumber subsequent section

And the title is amended as follows:

On page 1, lines 3-26, delete all of said lines and insert: Rehabilitative Services; providing

On motion by Senator Diaz-Balart, the Senate refused to concur in the House amendment and acceded to the request that **CS for SB 2116** be submitted to the Appropriations Conference Committee.

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 2118, with amendment(s), and requests the concurrence of the Senate or, failing to concur, requests the Senate to submit the bill to the general appropriations conference committee.

John B. Phelps, Clerk

CS for SB 2118—A bill to be entitled An act relating to waiver of sovereign immunity in tort actions; amending s. 768.28, F.S.; exempting counties and other subdivisions of the state from a requirement to give notice of a claim against the state or one of its agencies; providing an effective date.

House Amendment 1 (with title amendment)—On page 1, line 11 through page 2, line 11, delete all of said lines and renumber subsequent section

And the title is amended as follows:

On page 1, lines 3-7, delete all of said lines and insert: in tort actions; providing an effective date.

On motion by Senator Diaz-Balart, the Senate refused to concur in the House amendment and acceded to the request that **CS for SB 2118** be submitted to the Appropriations Conference Committee.

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 2120, with amendment(s), and requests the concurrence of the Senate or, failing to concur, requests the Senate to submit the bill to the general appropriations conference committee.

John B. Phelps, Clerk

CS for SB 2120—A bill to be entitled An act relating to motor vehicle equipment requirements; repealing s. 325.221, F.S., which provides legislative findings and intent with respect to reduction of emission and recovery and recycling of chlorofluorocarbons and halons from motor vehicle air conditioners; repealing s. 325.222, F.S., which defines terms; repealing s. 325.223, F.S., which provides guidelines for servicing air conditioners and selling refrigerants and provides certification fees and penalties; providing an effective date.

House Amendment 1 (with title amendment)—On page 1, lines 17-18, delete all of said lines and renumber subsequent section

And the title is amended as follows:

On page 1, lines 3-12, delete all of said lines and insert: requirements; providing an effective

On motion by Senator Diaz-Balart, the Senate refused to concur in the House amendment and acceded to the request that **CS for SB 2120** be submitted to the Appropriations Conference Committee.

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 2140, with amendment(s), and requests the concurrence of the Senate or, failing to concur, requests the Senate to submit the bill to the general appropriations conference committee.

John B. Phelps, Clerk

CS for SB 2140—A bill to be entitled An act relating to the Unemployment Compensation Law; amending s. 443.036, F.S.; defining the term "high quarter"; amending s. 443.091, F.S.; changing benefit calculations to include reference to high quarters; amending s. 443.111, F.S.; revising provisions relating to payment of benefits; providing qualifying requirements; revising weekly benefit amounts; revising provisions with respect to duration of benefits; revising provisions relating to eligibility for certain extended benefits; providing an effective date.

House Amendment 1 (with title amendment)—On page 1, line 17 through page 12, line 27, delete all of said lines and renumber subsequent section

And the title is amended as follows:

On page 1, lines 3-12, delete all of said lines and insert: Compensation Law;

On motion by Senator Diaz-Balart, the Senate refused to concur in the House amendment and acceded to the request that **CS for SB 2140** be submitted to the Appropriations Conference Committee.

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 2148, with amendment(s), and requests the concurrence of the Senate or, failing to concur, requests the Senate to submit the bill to the general appropriations conference committee.

John B. Phelps, Clerk

CS for SB 2148—A bill to be entitled An act implementing budget cuts for the Florida Public Service Commission; amending s. 427.702, F.S.; providing that the cost of providing telecommunications relay services and distributing specialized telecommunications devices be collected from customers of the local telecommunications company providing the services or devices; amending s. 427.703, F.S.; modifying definitions; amending s. 427.704, F.S.; providing for surcharges; amending s. 427.705, F.S.; prescribing the role of local telecommunications companies in operating the telecommunications access system; amending s. 427.706, F.S.; prescribing duties of local telecommunications companies; amending ss. 427.707, 427.708, F.S.; conforming provisions; amending s. 367.031, F.S.; eliminating the requirement that utilities obtain from the commission certain exemption from regulation; providing an effective date.

House Amendment 1 (with title amendment)—On page 1, line 25 through page 20, line 2, delete all of said lines and renumber subsequent section

And the title is amended as follows:

On page 1, lines 3-20, delete all of said lines and insert: Public Service Commission;

On motion by Senator Diaz-Balart, the Senate refused to concur in the House amendment and acceded to the request that **CS for SB 2148** be submitted to the Appropriations Conference Committee.

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 2172, with amendment(s), and requests the concurrence of the Senate or, failing to concur, requests the Senate to submit the bill to the general appropriations conference committee.

John B. Phelps, Clerk

CS for SB 2172—A bill to be entitled An act relating to the Juvenile Justice Advisory Board; transferring the board, for purposes of administration, from the Executive Office of the Governor to the Department of Juvenile Justice; amending s. 39.003, F.S., conforming provisions to reflect such transfer; requiring that the board submit its annual budget to the Legislature rather than the Governor; providing an effective date.

House Amendment 1 (with title amendment)—On page 1, line 14 through page 4, line 31, delete all of said lines and renumber subsequent section

And the title is amended as follows:

On page 1, lines 3-10, delete all of said lines and insert: Advisory Board; providing an effective date.

On motion by Senator Diaz-Balart, the Senate refused to concur in the House amendment and acceded to the request that **CS for SB 2172** be submitted to the Appropriations Conference Committee.

The action of the Senate was certified to the House.

RETURNING MESSAGES ON HOUSE BILLS

The Honorable James A. Scott, President

I am directed to inform the Senate that the House of Representatives has requested the return of CS for HB 927.

John B. Phelps, Clerk

CS for HB 927—A bill to be entitled An act relating to public assistance; creating the "Florida Family Independence Act"; creating s. 414.015, F.S.; providing a short title; creating s. 414.025, F.S.; providing legislative intent; creating s. 414.035, F.S.; providing definitions; creating s. 414.055, F.S.; providing for the temporary family assistance program; creating s. 414.065, F.S.; providing work activity requirements; requiring participation in program activities; providing exemptions; providing penalties for failure to participate in a required program activity; providing for proportional reduction of benefits related to performance; providing exceptions to noncompliance penalties; providing participation requirements for noncustodial parents; providing prioritization of work requirements; providing for use of contracts; creating s. 414.075, F.S.; providing resource eligibility standards; creating s. 414.085, F.S.; providing income eligibility standards; creating s. 414.095, F.S.; providing methods of determining assistance group eligibility and benefit levels; creating s. 414.105, F.S.; providing time limitations on benefits; providing exceptions; providing for hardship exemptions; creating s. 414.115, F.S.; limiting assistance for additional children; providing exceptions; amending and renumbering s. 409.1855, F.S., relating to learning; amending and renumbering s. 409.938, F.S., relating to childhood immunization requirements; amending and renumbering s. 409.186, F.S., relating to public assistance policy simplification; creating s. 414.15, F.S.; providing for diversion; amending and renumbering s. 420.627, F.S., relating to the emergency assistance program; creating s. 414.17, F.S.; providing for audits of the temporary family assistance program; creating s. 414.18, F.S.; providing for review of federal waivers and law; creating s. 414.20, F.S.; providing for other support services; creating s. 414.21, F.S.; providing for transitional medical benefits; creating s. 414.22, F.S.; providing for transitional education and training; creating s. 414.23, F.S.; providing for program evaluation; creating s. 414.24, F.S.; providing for integrated welfare reform and child welfare services; creating s. 414.25, F.S.; providing exemption from leased real property requirements; renumbering s. 409.295, F.S., relating to court-appointed guardians; renumbering s. 409.315, F.S., relating to public

assistance payment on death; amending and renumbering s. 409.345, F.S., relating to the creation of debt to recipients of public assistance payments, to conform; amending and renumbering s. 409.355, F.S., relating to public inspection of public assistance records; amending and renumbering s. 409.212, F.S., relating to optional state supplementation; amending and renumbering s. 409.275, F.S., relating to the administration of the food stamp program, to conform; creating s. 414.32, F.S.; providing for prohibitions and restrictions relating to food stamps; creating s. 414.33, F.S.; providing for violations of the food stamp program; renumbering s. 409.328, F.S., relating to annual reports concerning administrative complaints and disciplinary actions involving food stamp program violations; renumbering s. 409.60, F.S., relating to emergency relief; amending and renumbering s. 409.2562, F.S., relating to privatization and contracting of the public assistance overpayment recovery program; renumbering s. 409.25625, F.S., relating to the reemployment of laid-off career service employees in the privatization of the public assistance overpayment recovery program; amending and renumbering s. 409.25655, F.S., relating to the pilot work experience and job training for noncustodial parents program; amending s. 409.2567, F.S., relating to child support collection for children receiving temporary family assistance; requiring a report; amending and renumbering s. 409.325, F.S., relating to fraud; renumbering s. 409.3251, F.S., relating to the Stop Inmate Fraud Program; amending and renumbering s. 409.335, F.S., relating to the recovery of payments made due to mistake or fraud; renumbering s. 409.3282, F.S., relating to cause for employee dismissal; renumbering s. 409.285, F.S., relating to the opportunity for hearing and appeal; creating s. 414.44, F.S.; providing for a discretionary supplement for the disabled; providing for a study; creating s. 414.45, F.S.; providing for data collection and reporting; creating s. 414.46, F.S.; providing for department rulemaking; creating s. 414.47, F.S.; providing for transfer and carry forward of certain funds; amending s. 20.19, F.S., relating to responsibilities of the Economic Services Program Office of the Department of Health and Rehabilitative Services, to conform; amending s. 39.044, F.S., relating to detention, to conform; amending s. 61.30, F.S., relating to child support guidelines, to conform; amending s. 97.021, F.S., relating to the definition of public assistance in the election code, to conform; amending s. 216.136, F.S., relating to duties of the Social Services Estimating Conference, to conform; amending s. 230.2305, F.S., relating to the prekindergarten early intervention program, to conform; providing requirements for the establishment of performance standards; collaborative agreements; amending s. 402.3015, F.S., revising and conforming the state subsidized child care program; providing requirements for compliance with performance standards; development of collaborative agreements; and providing for withholding administrative fees for non-compliance; amending s. 233.068, F.S., relating to job-related vocational instruction, to conform; amending s. 240.40685, F.S., relating to the Certified Teacher-Aide Welfare Transition Program, to conform; amending s. 240.61, F.S., relating to college reach-out program, to conform; amending s. 246.50, F.S., relating to participation by independent postsecondary schools in the Certified Teacher-Aide Welfare Transition Program, to conform; amending s. 402.27, F.S., relating to child care and early childhood resource and referral, to conform; amending s. 402.33, F.S., relating to the authority of the Department of Health and Rehabilitative Services to charge fees for services provided, to conform; amending s. 402.40, F.S., relating to child welfare training academies, to conform; amending s. 402.45, F.S., relating to the community resource mother or father program, to conform; amending s. 409.2566, F.S., relating to the Child Support Enforcement Application Fee Trust Fund, to conform; amending s. 409.259, F.S., relating to partial payment of filing fees in only non-aid-to-families-with-dependent-children cases, to conform; amending s. 409.903, F.S., relating to mandatory payments for eligible persons, to conform; amending s. 409.942, F.S., relating to the electronic benefit transfer program, to conform; amending s. 411.232, F.S., relating to the Children's Early Investment Program, to conform; amending s. 411.242, F.S., relating to the ENABL program, to conform; creating s. 411.243, F.S.; requiring the department to create the Teen Pregnancy Prevention Community Incentive Grant initiative; providing for evaluation; amending s. 420.621, F.S., relating to definitions, to conform; amending s. 421.10, F.S., relating to rentals and tenant selection, to conform; amending s. 497.419, F.S., relating to the cancellation or default of preneed contracts for funeral and cemetery services, to conform; amending ss. 11.50, 194.013, 239.117, 239.301, 240.35, 282.502, 400.407, 400.418, 400.42, 400.618, 400.619, 409.2564, 409.328, 420.625, 772.102, 895.02, and 921.0012, F.S.; correcting cross references; amending s. 212.08, F.S.; providing exemptions from sales and use taxes for household fuels for licensed family day care homes and educational materials for certain preschool and prekindergarten programs; creating s. 383.0112, F.S.; providing for a Commission on Responsible Fatherhood in the Department of Health and Rehabilitative Services; providing for purpose, guiding principles, and responsibilities of the commission; providing for a report; creating s. 383.0113, F.S.; creating the commission; providing for membership; providing for travel expenses and per diem

and reimbursement of members; prescribing powers and duties of the commission; providing for removal of commission members; providing for development of a budget request; creating s. 383.0114, F.S.; permitting prenatal and infant health care coalitions to establish programs to encourage responsible fatherhood and to support such programs already in existence; amending s. 402.26, F.S.; providing legislative intent relating to development of family-friendly workplaces; amending s. 402.27, F.S.; providing additional responsibilities of child care resource and referral agencies; requiring family day care homes to provide certain information to such agencies; creating s. 402.281, F.S.; creating the Gold Seal Quality Care program for child care facilities and family day care homes which meet certain standards; providing for intergovernmental cooperation to eliminate duplicative and unnecessary inspections of child care facilities and provide for abbreviated inspections; requiring a report to the Legislature; amending s. 402.301, F.S.; providing policy to encourage child care providers to serve children with disabilities; amending s. 402.3015, F.S.; revising purpose of the subsidized child care program; revising the definition of "at-risk children"; amending s. 402.302, F.S.; revising the definition of "family day care home"; amending s. 402.305, F.S.; exempting the staff in part-time child care facilities that have specified characteristics from certain credentialing requirements; providing an alternative requirement for such a facility; amending s. 402.305, F.S.; requiring certain training in serving children with disabilities for directors of child care facilities; revising minimum safety standards relating to CPR training; providing minimum standards for infant-only child care centers; providing a suspension of square-footage requirements during transition periods; amending s. 402.3051, F.S.; providing a three-tiered system of reimbursement for subsidized child care providers; creating s. 402.3053, F.S.; amending s. 409.185, F.S.; requiring the Department of Health and Rehabilitative Services to withhold financial assistance payments from recipients when fraud is suspected; requiring certain notice to the recipient; requiring an interview within a specified timeframe to resolve the matter; providing for subsidized child care contracts within each district of the Department of Health and Rehabilitative Services; providing procedures and requirements; amending s. 402.313, F.S.; providing utility rate requirements for family day care homes; requiring the department to establish minimum standards for such homes; amending s. 402.315, F.S.; providing for use of licensing fees; amending s. 409.178, F.S.; revising the Child Care Partnership Act; creating a Child Care Executive Partnership; providing for a Child Care Partnership Program; providing for use of state and federal funds to match local and employer funds for a public-private partnership subsidized child care program; providing for a child care purchasing pool; providing for pilot projects; providing for funding through a specified date; providing for requests for proposals; providing requirements; providing for legislative review; creating s. 409.179, F.S.; providing for a family-friendly workplace campaign; providing for selection of annual award winners by the Executive Office of the Governor; amending ss. 61.11 and 943.05, F.S.; specifying contents and procedures for writs of bodily attachment in connection with court-ordered child support obligations; creating s. 409.25645, F.S.; providing for pilot programs using administrative orders for genetic testing in child support cases; providing procedures and requirements; creating s. 409.25656, F.S.; providing garnishment procedures for payment of delinquent child support obligations; amending s. 409.2572, F.S.; providing for sanctions for certain noncooperation by an applicant or recipient of public assistance; providing for use of DNA testing to identify the fathers of children receiving public assistance; providing for operation of family transition program sites as mandatory programs; providing for amendment to federal waiver; providing certain involvement of community organizations and for safeguards for children whose temporary family assistance benefits have expired; repealing ss. 409.026, 409.029, 409.185, 409.1857, 409.211, 409.2345, 409.235, 409.2351, 409.255, 409.326, 409.327, 409.3284, 409.921, 409.922, 409.923, 409.924, 409.925, 409.926, 409.927, 409.928, 409.929, 409.930, 409.931, 409.932, 409.933, 409.934, 409.935, 409.936, 409.937, 409.939, 409.940, 409.941, 409.943, 414.01, 414.02, 414.03, 414.04, 414.05, 414.06, 414.07, 414.08, 414.09, 414.10, 414.11, and 414.12, F.S., relating to Department of Health and Rehabilitative Services functions, Florida Employment Opportunity Act, determination of eligibility for and amount of financial assistance, community employment and work experience program, mandatory supplementation, rules governing aid-to-families-with-dependent-children program concerning full benefits for certain families without employment restrictions, aid-to-families-with-dependent-children program, short-term emergency financial assistance for housing, aid-to-families-with-dependent-children unemployed parent program, violation of food stamp program by recipient, violation of food stamp program by retail food store, retail items not purchasable, short title, legislative intent, definitions, general provisions of family transition program, federal waivers and evaluation, responsibilities of the department, benefit limitations and enhanced services applicable to all participants, review panels, full durational review, enhanced services, court-ordered participation, in-

centives for employers, family transition program learnfare requirement, family transition program aid-to-families-with-dependent-children dependency diversion, rulemaking, reporting, family transition program recognition awards, required quarters of work for aid-to-families-with-dependent-children unemployed parent program, vendor payment for housing authority, periods of substantially high unemployment, federal waivers necessary to implement ch. 95-431, Laws of Florida, county aid for poor mothers, allowance authorized, conditions of allowance, time limit on allowance, orphans dependent on poor female relative and impoverished orphans, implementation, history of each case, method of family investigation, appointments, residence of child, required school attendance, and designation of county welfare board, respectively, to conform; providing for certain budget and expenditure structuring to facilitate implementation of the act; providing for implementation; creating the "Workforce Florida Act of 1996"; providing legislative intent; providing for a workforce development strategy; providing for a charter process; providing for Regional Workforce Development Boards; delineating board membership, roles, and duties; creating the "Untried Worker Placement and Employment Incentive Act"; defining the term "untried worker"; authorizing the pilot program; outlining program responsibilities; providing for future repeal; amending s. 288.0475, F.S.; revising the membership of the board of directors of Enterprise Florida Jobs and Education Partnership; authorizing the partnership to appoint subcommittees to comply with certain federal requirements; deleting reference to the advisory committee to the State Job Training Coordinating Council; providing additional powers and duties of the Enterprise Florida Jobs and Education Partnership board; providing for financial disclosure by board members; requiring the Enterprise Florida Jobs and Education Partnership to establish performance goals and standards; amending s. 446.20, F.S.; designating the Enterprise Florida Jobs and Education Partnership as the State Human Resource Investment Council; repealing s. 446.31, F.S., relating to the Florida Human Resource Development Council; providing for the future repeal of the Advisory Board on Constructive Youth Programs, the Education Success Incentive Council, and the Quick Response Advisory Committee; providing for the application of the act; providing a timeframe for the designation of primary service providers; providing legislative intent relating to the transfer of functions to the Enterprise Florida Jobs and Education Partnership and to the Regional Workforce Development Boards; creating s. 290.0067, F.S.; providing for renaissance area; providing for legislative findings; providing for a pilot program; providing for future repeal; providing effective dates.

On motion by Senator Bankhead, by two-thirds vote **CS for HB 927** was withdrawn from the Committee on Ways and Means and returned to the House as requested.

The Honorable James A. Scott, President

I am directed to inform the Senate that the House of Representatives has requested the return of CS for HB 1853.

John B. Phelps, Clerk

CS for HB 1853—A bill to be entitled An act relating to health care service programs; amending s. 641.28, F.S.; revising award of attorney's fees in civil actions under certain circumstances; amending s. 641.315, F.S.; providing additional criteria for certain provider contracts; amending s. 641.3917, F.S.; authorizing civil actions against health maintenance organizations by certain persons under certain circumstances; providing requirements and procedures; providing for liability for damages and attorney's fees; prohibiting punitive damages under certain circumstances; requiring the advance posting of discovery costs; amending s. 440.11, F.S.; establishing exclusive liability of health maintenance organizations; providing application; providing legislative declaration; providing appropriation; providing an effective date.

On motion by Senator Silver, **CS for HB 1853** was returned to the House as requested.

RETURNING MESSAGES—FINAL ACTION

The Honorable James A. Scott, President

I am directed to inform the Senate that the House of Representatives has passed SB 272, CS for SB 306, SB 322, SB 532, CS for SB 690, SB 702, CS for SB 1268, SB 1738, SB 1740, SB 1898, SB 2806, SB 2862, SB 3010, SB 3012, SB 3014, SB 3018 and SB 3050.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered enrolled.

ROLL CALLS ON SENATE BILLS

SB 148

Yeas—39

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

Nays—None

CS for SB 330

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Bankhead

CS for SB 434

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Bankhead

Yea to Nay—Crist

SB 590

Yeas—37

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

Thomas
Turner

Nays—None

Vote after roll call:

Yea—Bankhead

Weinstein

Wexler

Williams

SB 1172

Yeas—33

Bankhead	Dyer	Jennings	Sullivan
Beard	Forman	Johnson	Thomas
Bronson	Grant	Jones	Turner
Brown-Waite	Gutman	Kurth	Weinstein
Burt	Harden	Latvala	Wexler
Casas	Hargrett	Meadows	Williams
Childers	Harris	Ostalkiewicz	
Crist	Horne	Rossin	
Dantzler	Jenne	Silver	

Nays—None

SB 1218

Yeas—17

Bankhead	Gutman	Meadows	Weinstein
Casas	Hargrett	Rossin	Wexler
Childers	Holzendorf	Silver	
Dudley	Jennings	Thomas	
Forman	Jones	Turner	

Nays—18

Beard	Grant	Johnson	Ostalkiewicz
Bronson	Harden	Kirkpatrick	Sullivan
Burt	Harris	Kurth	Williams
Crist	Horne	Latvala	
Dantzler	Jenne	McKay	

SB 1218—After Reconsideration

Yeas—20

Bronson	Dyer	Jones	Silver
Casas	Forman	Kirkpatrick	Thomas
Childers	Harden	Meadows	Turner
Crist	Hargrett	Myers	Weinstein
Dudley	Holzendorf	Rossin	Wexler

Nays—16

Bankhead	Dantzler	Horne	McKay
Beard	Grant	Jenne	Ostalkiewicz
Brown-Waite	Gutman	Kurth	Sullivan
Burt	Harris	Latvala	Williams

Vote after roll call:

Yea to Nay—Crist

SB 2654

Yeas—39

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

Silver
Sullivan
Nays—None

Thomas
Turner

Weinstein
Wexler

Williams

SB 3126

Yeas—39

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

Nays—None

CS for SB 2832

Yeas—38

Mr. President
Bankhead
Beard
Bronson
Brown-Waite
Casas
Childers
Crist
Dantzler
Diaz-Balart

Dudley
Dyer
Forman
Grant
Gutman
Harden
Hargrett
Harris
Horne
Jenne

Jennings
Johnson
Jones
Kirkpatrick
Kurth
Latvala
McKay
Meadows
Myers
Ostalkiewicz

Rossin
Silver
Sullivan
Thomas
Turner
Weinstein
Wexler
Williams

Nays—None

SB 2890—Amendment 1

Yeas—24

Bankhead
Brown-Waite
Casas
Childers
Dantzler
Dyer

Forman
Grant
Gutman
Harden
Hargrett
Horne

Jenne
Johnson
Jones
Kirkpatrick
Kurth
Latvala

McKay
Rossin
Silver
Thomas
Weinstein
Williams

Nays—8

Mr. President
Bronson

Crist
Dudley

Holzendorf
Meadows

Ostalkiewicz
Turner

SB 2890—Amendment 2

Yeas—23

Bankhead
Burt
Casas
Childers
Dantzler
Dyer

Forman
Grant
Gutman
Harden
Hargrett
Harris

Horne
Jenne
Kirkpatrick
Latvala
McKay
Rossin

Sullivan
Thomas
Turner
Weinstein
Williams

Nays—9

Mr. President
Bronson
Brown-Waite

Crist
Dudley

Holzendorf
Kurth

Meadows
Ostalkiewicz

**SB 2890
Motion to Read Third Time**

Yeas—20

Bankhead
Burt
Childers
Dantzler
Dyer

Forman
Grant
Gutman
Horne
Jenne

Jennings
McKay
Rossin
Silver
Sullivan

Thomas
Turner
Weinstein
Wexler
Williams

Nays—14

Mr. President
Beard
Bronson
Brown-Waite

Crist
Diaz-Balart
Dudley
Harden

Hargrett
Holzendorf
Johnson
Kurth

Meadows
Ostalkiewicz

ROLL CALLS ON HOUSE BILLS

CS for HB's 173, 1851 and 2547

Yeas—33

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

Nays—None

HB 215

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Bankhead

HB 383

Yeas—30

Bronson	Forman	Jones	Rossin
Brown-Waite	Grant	Kirkpatrick	Silver
Burt	Gutman	Kurth	Turner
Casas	Harden	Latvala	Weinstein
Crist	Hargrett	McKay	Wexler
Dantzler	Horne	Meadows	Williams
Dudley	Jenne	Myers	
Dyer	Johnson	Ostalkiewicz	

Nays—None

Vote after roll call:

Yea—Childers, Sullivan

HB 403—Amendment 5

Yeas—13

Forman	Johnson	Meadows	Thomas
Hargrett	Jones	Rossin	Turner
Holzendorf	Kurth	Silver	Wexler
Jenne			

Nays—25

Mr. President	Childers	Harden	Myers
Bankhead	Crist	Harris	Ostalkiewicz
Beard	Dantzler	Horne	Sullivan
Bronson	Dudley	Jennings	Williams
Brown-Waite	Dyer	Kirkpatrick	
Burt	Grant	Latvala	
Casas	Gutman	McKay	

CS for HB 489—Motion to Reconsider

Yeas—22

Mr. President	Dudley	Hargrett	Silver
Beard	Dyer	Holzendorf	Thomas
Casas	Forman	Jennings	Turner
Childers	Grant	Johnson	Weinstein
Dantzler	Gutman	Latvala	
Diaz-Balart	Harden	Myers	

Nays—15

Brown-Waite	Horne	McKay	Sullivan
Burt	Jenne	Meadows	Wexler
Crist	Jones	Ostalkiewicz	Williams
Harris	Kurth	Rossin	

HB 403

Yeas—32

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

Nays—8

Forman	Holzendorf	Johnson	Weinstein
Hargrett	Jenne	Jones	Wexler

CS for HB 489—After Final Reconsideration

Yeas—22

Mr. President	Diaz-Balart	Hargrett	Silver
Beard	Dudley	Holzendorf	Thomas
Bronson	Dyer	Jennings	Turner
Casas	Forman	Kirkpatrick	Weinstein
Childers	Gutman	Latvala	
Dantzler	Harden	Myers	

Nays—15

Brown-Waite	Harris	Kurth	Rossin
Burt	Horne	McKay	Wexler
Crist	Jenne	Meadows	Williams
Grant	Jones	Ostalkiewicz	

CS for HB 489

Yeas—19

Casas	Forman	Johnson	Sullivan
Childers	Hargrett	Jones	Thomas
Dantzler	Harris	Kirkpatrick	Turner
Dudley	Holzendorf	Myers	Weinstein
Dyer	Jennings	Silver	

Nays—17

Beard	Gutman	Latvala	Wexler
Brown-Waite	Harden	McKay	Williams
Burt	Horne	Meadows	
Crist	Jenne	Ostalkiewicz	
Grant	Kurth	Rossin	

CS for HB 489—After Reconsideration

Yeas—15

Bankhead	Dudley	Jennings	Thomas
Brown-Waite	Dyer	Johnson	Turner
Casas	Forman	Meadows	Weinstein
Childers	Holzendorf	Myers	

Nays—22

Beard	Harden	Kirkpatrick	Silver
Burt	Hargrett	Kurth	Sullivan
Crist	Harris	Latvala	Wexler
Dantzler	Horne	McKay	Williams
Grant	Jenne	Ostalkiewicz	
Gutman	Jones	Rossin	

Vote after roll call:

Yea to Nay—Johnson

CS for HB 571

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Bankhead

CS for HB 631

Yeas—24

Bankhead	Forman	Johnson	Silver
Brown-Waite	Grant	Jones	Sullivan
Casas	Gutman	Kirkpatrick	Thomas
Childers	Harden	Kurth	Turner
Dudley	Hargrett	Myers	Weinstein
Dyer	Holzendorf	Rossin	Wexler

Nays—11

Beard	Dantzler	Jenne	Ostalkiewicz
Burt	Harris	Latvala	Williams
Crist	Horne	McKay	

CS for HB 675

Yeas—35

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

Nays—None

HB 813

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Bankhead, Kirkpatrick

CS for HB 861

Yeas—34

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

Nays—None

CS for HB 863

Yeas—36

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

Nays—None

HB 871

Yeas—36

Beard	Casas	Dudley	Gutman
Bronson	Childers	Dyer	Harden
Brown-Waite	Crist	Forman	Hargrett
Burt	Dantzler	Grant	Harris

Holzendorf	Jones	Myers	Thomas
Horne	Kurth	Ostalkiewicz	Turner
Jenne	Latvala	Rossin	Weinstein
Jennings	McKay	Silver	Wexler
Johnson	Meadows	Sullivan	Williams

Nays—None

Vote after roll call:

Yea to Nay—Silver

HB 893

Yeas—34

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

Nays—None

CS for HB 957

Yeas—33

Beard	Dyer	Johnson	Sullivan
Bronson	Forman	Jones	Thomas
Brown-Waite	Gutman	Kurth	Turner
Burt	Harden	McKay	Weinstein
Casas	Hargrett	Meadows	Wexler
Childers	Harris	Myers	Williams
Crist	Holzendorf	Ostalkiewicz	
Dantzler	Horne	Rossin	
Dudley	Jennings	Silver	

Nays—1

Latvala

HB 1015

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Bankhead, Kirkpatrick

CS for HB 1101

Yeas—33

Bronson	Dudley	Hargrett	Jones
Brown-Waite	Dyer	Harris	Kurth
Casas	Forman	Holzendorf	Latvala
Childers	Grant	Jenne	McKay
Crist	Gutman	Jennings	Meadows
Dantzler	Harden	Johnson	Myers

Ostalkiewicz
Rossin
Silver
Nays—None

Sullivan
Thomas

Turner
Weinstein

Wexler
Williams

Sullivan
Thomas
Nays—None

Turner
Weinstein

Wexler

Williams

CS for HB 1153

Yeas—32

Bankhead
Brown-Waite
Burt
Casas
Childers
Crist
Dantzler
Dudley

Forman
Gutman
Harden
Hargrett
Harris
Holzendorf
Horne
Jennings

Johnson
Jones
Kirkpatrick
Kurth
Latvala
McKay
Meadows
Myers

Ostalkiewicz
Rossin
Silver
Sullivan
Thomas
Turner
Weinstein
Williams

Nays—None

Vote after roll call:

Yea—Beard, Grant

CS for HB 1155

Yeas—34

Bankhead
Beard
Bronson
Brown-Waite
Burt
Casas
Childers
Crist
Dantzler

Diaz-Balart
Dudley
Dyer
Forman
Grant
Gutman
Harden
Hargrett
Harris

Horne
Jennings
Johnson
Jones
Kirkpatrick
Kurth
Latvala
Meadows
Ostalkiewicz

Rossin
Silver
Thomas
Turner
Weinstein
Wexler
Williams

Nays—None

Vote after roll call:

Yea—Holzendorf

HB 1193

Yeas—34

Bankhead
Beard
Brown-Waite
Burt
Casas
Childers
Crist
Dantzler
Forman

Grant
Gutman
Harden
Hargrett
Harris
Holzendorf
Horne
Jenne
Jennings

Johnson
Jones
Kirkpatrick
Kurth
Latvala
McKay
Meadows
Myers
Ostalkiewicz

Rossin
Silver
Sullivan
Thomas
Weinstein
Wexler
Williams

Nays—None

HB 1267

Yeas—38

Mr. President
Bankhead
Beard
Bronson
Brown-Waite
Burt
Casas
Childers

Crist
Dantzler
Dudley
Dyer
Forman
Grant
Gutman
Harden

Hargrett
Harris
Holzendorf
Horne
Jenne
Jennings
Johnson
Jones

Kirkpatrick
Kurth
Latvala
McKay
Meadows
Ostalkiewicz
Rossin
Silver

CS for HB 1863

Yeas—38

Mr. President
Bankhead
Beard
Bronson
Brown-Waite
Burt
Casas
Childers
Crist
Dantzler

Dudley
Dyer
Forman
Grant
Gutman
Harden
Hargrett
Harris
Holzendorf
Horne

Jenne
Jennings
Johnson
Jones
Kirkpatrick
Kurth
Latvala
McKay
Meadows
Ostalkiewicz

Rossin
Silver
Sullivan
Thomas
Turner
Weinstein
Wexler
Williams

Nays—None

CS for HB 1949

Yeas—37

Mr. President
Bankhead
Beard
Bronson
Brown-Waite
Burt
Casas
Childers
Crist
Dantzler

Dudley
Dyer
Forman
Grant
Gutman
Harden
Hargrett
Harris
Holzendorf
Horne

Jenne
Jennings
Johnson
Jones
Kirkpatrick
Kurth
Latvala
McKay
Meadows
Myers

Ostalkiewicz
Rossin
Sullivan
Thomas
Weinstein
Wexler
Williams

Nays—None

HB 1985

Yeas—30

Bankhead
Bronson
Brown-Waite
Casas
Childers
Crist
Dantzler
Diaz-Balart

Dudley
Dyer
Forman
Grant
Gutman
Harden
Hargrett
Harris

Horne
Johnson
Jones
Kirkpatrick
Kurth
Latvala
Meadows
Ostalkiewicz

Rossin
Thomas
Turner
Weinstein
Wexler
Williams

Nays—None

CS for HB 2007

Yeas—32

Bankhead
Beard
Brown-Waite
Casas
Childers
Crist
Forman
Grant

Gutman
Harden
Hargrett
Harris
Holzendorf
Horne
Jenne
Jennings

Jones
Kirkpatrick
Kurth
Latvala
McKay
Meadows
Myers
Ostalkiewicz

Rossin
Silver
Sullivan
Thomas
Turner
Weinstein
Wexler
Williams

Nays—None

Vote after roll call:

Yea—Dudley

CS for HB 2093

Yeas—28

Bankhead	Dyer	Jennings	Rossin
Bronson	Forman	Johnson	Silver
Burt	Grant	Jones	Sullivan
Casas	Gutman	Kirkpatrick	Thomas
Childers	Harden	Kurth	Turner
Crist	Hargrett	McKay	Weinstein
Dudley	Harris	Meadows	Wexler
Nays—8			
Beard	Dantzler	Jenne	Ostalkiewicz
Brown-Waite	Horne	Latvala	Williams

CS for HB 2449

Yeas—37

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

CS for HB 2469

Yeas—35

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

Vote after roll call:

Yea—Bankhead

HB 2703

Yeas—31

Beard	Dyer	Horne	Myers
Bronson	Forman	Jenne	Ostalkiewicz
Brown-Waite	Grant	Jennings	Rossin
Burt	Gutman	Johnson	Silver
Childers	Harden	Jones	Turner
Crist	Hargrett	Kurth	Weinstein
Dantzler	Harris	Latvala	Wexler
Dudley	Holzendorf	Meadows	
Nays—1			
Williams			

The following roll call was taken on **HB 2721, HB 2723, HB 2719, HB 1621 and HB 2725** which passed this day:

Yeas—38

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

Vote after roll call:

Yea—Grant

ROLL CALLS ON LOCAL BILLS

The following roll call was taken on **HB 1273, SB 3022, HB 2307, SB 3084, SB 3086, SB 3094, CS for SB 3098, SB 3104, SB 3106, SB 3110, SB 3112, SB 3116, SB 3118, SB 3120 and SB 3122** which passed this day:

Yeas—38

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

ENROLLING REPORTS

CS for SB 180, SB 250, SB 560, SB 662, SB 940, SB 944, SB 1890 and CS for SB 724 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on April 30, 1996.

*Joe Brown, Secretary***CORRECTION AND APPROVAL OF JOURNAL**

The Journal of April 29 was corrected and approved.

CO-SPONSORS

Senator Ostalkiewicz—CS for SB 222

RECESS

On motion by Senator Jennings, the Senate recessed at 5:54 p.m. to reconvene at 9:30 a.m., Wednesday, May 1.