



Journal of the Senate

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CALL TO ORDER

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

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

PRAYER

The following prayer was offered by the Reverend James C. Vaughn, Jr., Pastor, Providence Missionary Baptist Church, Thomasville, Georgia:

Shema Yisrael Adonai Elohanu echod. Hear, O Israel, our Lord our God is one in presence and purpose.

Omnipotent God, as the men and women of this august body prepare to tackle the issues before them this day, we pause now to beg you to cleanse our hearts and minds by the inspiration of your Holy Spirit. Please come now, O Holy One, upon these noble servants—come as holy light and lead them; come as holy truth and teach them; come as holy forgiveness and free them; come as holy love and engulf and engross them; come as holy power and enable them, convict them, convert them and consecrate them unto thy self and service.

In the strong and imperturbable spirit of grace and mercy, Shalom.

PLEDGE

Senate Pages, Carolyn Barringer of Lake Wales and Bayard Bavetta of Leesburg, led the Senate in the pledge of allegiance to the flag of the United States of America.

ADOPTION OF RESOLUTIONS

At the request of Senator Forman—

By Senator Forman—

SR 846—A resolution commending the osteopathic physicians of this state and recognizing March 26, 1997, as Osteopathic Medicine Day.

WHEREAS, osteopathic physicians offer health care services to more than 10 percent of the population, primarily in the area of primary care, and

WHEREAS, osteopathic physicians provide primary care services to their patients in more than 84 million patient visits in this country each year, and

WHEREAS, this state has 10 accredited osteopathic hospitals, two osteopathic medical colleges, and the fourth largest osteopathic physician population in the United States, and

WHEREAS, osteopathic manipulation of the musculoskeletal system is a viable and proven technique for many diagnoses and treatments and provides an alternative to many drug therapies, and

WHEREAS, osteopathic physicians provide comprehensive medical care, including preventive medicine, diagnoses, and the appropriate use of drugs, surgery, manipulation, and hospital referrals, NOW, THEREFORE,

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

That the Florida Senate commends osteopathic physicians of this state for their contributions to the health and welfare of the residents of this state and recognizes March 26, 1997, as Osteopathic Medicine Day.

—**SR 846** was introduced, read and adopted by publication.

At the request of Senator Grant—

By Senator Grant—

SR 2326—A resolution commending Phoebe Irby, recipient of the 1996 Outstanding Teacher Award.

WHEREAS, Phoebe Irby, a special education teacher at Dover Exceptional Center in Hillsborough County, has been named Outstanding Teacher of 1996 by McDonald's and Walt Disney Co., and

WHEREAS, Phoebe Irby has also received recognition as the Outstanding Early Childhood Teacher of 1996 after being named Hillsborough County's Teacher of the Year in 1995 and becoming a finalist for the Florida Teacher of the Year award, and

WHEREAS, in being selected as the nation's top educator, Phoebe Irby defeated 11 other finalists who were selected from 1,500 applicants nationwide, and

WHEREAS, Phoebe Irby, who works with children who are hearing and sight impaired, was chosen for her commitment to teaching real-life skills and challenging her students to become more independent through field trips into the community, and

WHEREAS, Phoebe Irby receives praise for keeping parents closely informed of their children's progress through individual journals that go home with each child, and

WHEREAS, it is only fitting that Phoebe Irby, a special-needs teacher for 19 years, be recognized for her outstanding accomplishments, NOW, THEREFORE,

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

That Phoebe Irby is commended as the recipient of the 1996 Outstanding Teacher Award.

BE IT FURTHER RESOLVED that a copy of this resolution, with Seal of the Senate affixed, be presented to Phoebe Irby as a tangible token of the sentiments of the Florida Senate.

—**SR 2326** was introduced, read and adopted by publication.

At the request of Senator Bronson—

By Senator Bronson—

SR 1342—A resolution recognizing and commending the United States Search and Rescue Response Force.

WHEREAS, the United States Search and Rescue Response Force (U.S. SARRF) is an all-volunteer, nonprofit organization with its national headquarters in Melbourne, having operated in Brevard County since 1989 and throughout the state since 1994, and

WHEREAS, the primary functions of U.S. SARRF include such important functions as searching for missing persons, recovering evidence from crime scenes, and providing disaster assistance, such as emergency relief to victims of Hurricane Erin in August 1995, and

WHEREAS, U.S. SARRF has performed numerous missions at the request of law enforcement agencies or local government, thereby reducing overtime costs and facilitating the efforts of these entities, and

WHEREAS, U.S. SARRF has expended thousands of volunteer hours in these and other significant volunteer programs, including conducting a very successful juvenile fingerprinting program in Brevard, Orange, Seminole, and Osceola Counties, providing training and support to explorers programs in cooperation with the Boy Scouts of America, providing first aid and pro-rescuer training in cooperation with the American Red Cross, and assisting with the Toys for Tots program at the request of the United States Marine Corps Reserve, NOW, THEREFORE,

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

That the Florida Senate hereby recognizes and commends the dedicated volunteers of the U.S. SARRF for the many outstanding contributions they have made to promote the health, safety, and general welfare of the citizens of this state and of the nation.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the United States Search and Rescue Response Force as a tangible token of the sentiments of the Florida Senate.

—**SR 1342** was introduced, read and adopted by publication.

At the request of Senator Meadows—

By Senator Meadows—

SR 2246—A resolution recognizing June 1997 as Scleroderma Awareness Month.

WHEREAS, the health of the citizens in our communities is the foundation for a caring and productive society, and

WHEREAS, our future depends, in great measure, upon our ability to find cures for and adequately treat individuals who are afflicted with a variety of illnesses, and

WHEREAS, hundreds of thousands of Americans are afflicted with scleroderma, a disfiguring and debilitating connective tissue disorder that affects the vascular and immune systems, resulting in a hardening of the skin and organs, and

WHEREAS, this painful condition can strike at any age, regardless of gender or ethnicity, although women between the ages of 25 and 55 are more likely to be afflicted than are men, and

WHEREAS, the noble work of the United Scleroderma Foundation has provided us all with hope that someday this disease will be eradicated, and that their efforts to educate and comfort those touched by scleroderma will be justly rewarded with a cure, NOW, THEREFORE,

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

That in order to provide an opportunity to educate the public about this often life-threatening disease and the more than 700,000 Americans who suffer from it, the Florida Senate recognizes the month of June 1997 to be Scleroderma Awareness Month.

—**SR 2246** was introduced, read and adopted by publication.

At the request of Senator Gutman—

By Senators Gutman, Silver, Jones, Diaz-Balart, Forman and Turner—

SR 2294—A resolution recognizing March 25th and 26th as “Dade County Days” in Tallahassee.

WHEREAS, in 1836, the Florida Legislative Council created Dade County, naming it after Major Francis Langhorn Dade, who had recently been killed by Seminole Indians, and

WHEREAS, by 1896, Henry Flagler had extended his railroad south to Miami and built the Royal Palm Hotel at the mouth of the Miami River, and the City of Miami was incorporated with 368 voters, and

WHEREAS, in 1957, the voters of Dade County approved the Home Rule Charter, which allowed the formation of a form of government for Dade County as it exists today, and

WHEREAS, Dade County encompasses more than 2,000 square miles and currently has a population that exceeds 2 million, and

WHEREAS, the Legislature recognizes Dade County for its history of cultural richness and diversity and for its contribution to the state's economy, NOW, THEREFORE,

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

That March 25th and 26th are recognized as “Dade County Days.”

—**SR 2294** was introduced, read and adopted by publication.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Bankhead, by two-thirds vote **CS for SB's 780, 520 and 692** and **SB 854** were withdrawn from the Committee on Community Affairs; **CS for SB 1154** was withdrawn from the Committee on Governmental Reform and Oversight; **SB 1354** was withdrawn from the Committees on Rules and Calendar; Health Care; Natural Resources; and Ways and Means; and referred to the Committees on Governmental Reform and Oversight; Health Care; Natural Resources; and Ways and Means; and **SB 1598** and **SB 1646** were withdrawn from the Committee on Commerce and Economic Opportunities and referred to the Committee on Regulated Industries.

On motion by Senator Sullivan, by two-thirds vote **CS for SB 74, SB 76, SB 206, CS for SB's 312 and 478, SB 406, CS for SB 410, SB 464, SB 596, SB 678, CS for SB 798, CS for SB 850, CS for SB 956, SB 1104, SB 1152, SB 1498** and **CS for SB 442** were withdrawn from the Committee on Ways and Means; and **SB 806** and **CS for SB 984** were also referred to the Committee on Ways and Means.

On motion by Senator Grant, by two-thirds vote **SB 1690** was withdrawn from the committees of reference and further consideration.

On motion by Senator Bankhead, by two-thirds vote **CS for SB 576** was withdrawn from the Committee on Community Affairs.

MOTIONS

On motion by Senator Bankhead, a deadline of 7:00 p.m. this day was set for filing amendments to Bills on Third Reading to be considered Thursday, March 27.

CONSIDERATION OF BILLS ON THIRD READING

Rossin Silver Turner Williams
Scott Thomas
Nays—None

CS for CS for SB 384—A bill to be entitled An act relating to program administration by the Department of Children and Family Services; amending s. 20.19, F.S.; providing additional duties for the department's Office of Standards and Evaluation with respect to measuring standards of performance and to reports due to the Legislature; providing duties of program offices; requiring an evaluation and a report from the Assistant Secretary for Administration; revising requirements for the department in procuring contracts for client services and in establishing standards for the delivery of those services; requiring the department to procure certain services competitively; authorizing the department to develop rules relating to an alternative competitive procurement process; allowing a phase-in period for competitive procurement of certain client services; authorizing deferral of the competitive contracting process under certain circumstances; limiting the duration of such deferrals; providing intent that the department enter multi-year contracts; providing for procuring services from multiple sources; requiring that certain provisions be included in specified contracts entered into by the department; requiring that the department develop, and incorporate into the department's Employee Handbook, standards of conduct and a range of disciplinary actions relating to certain staff functions; requiring the department to assure the accountability of each provider of client services; providing duties of the Auditor General and the Office of Program Policy Analysis and Government Accountability; providing for cancellation of contracts under specified circumstances; providing for department liens against certain property constructed or renovated using state funds; amending 394.74, F.S.; adding a provision that contracts for services must be performance-based, removing an obsolete requirement associated with cost reimbursement contracts; amending s. 394.76, F.S.; authorizing performance-based contracts, purchase-of-service contracts, and start-up contracts; adding provisions for all types of contracts; requiring an evaluation of the contractor's performance; requiring reports to the Legislature by the department; requiring the department to provide training for staff in negotiating contracts; requiring the department to ensure certain assistance to staff who are negotiating a contract; requiring the department to create contract management units at the district level; providing specifications for these units; specifying the date by which the contract management units must be in operation; requiring the department to evaluate contracting functions in the service districts; authorizing the department to exercise budget and personnel flexibility; authorizing the department to transfer specified funds from certain budget entities in order to create certain staff positions; requiring a report; providing an effective date.

—as amended March 20 was read the third time by title.

Senator Ostalkiewicz moved the following amendment:

Amendment 1—On page 13, line 30, delete "appropriate district administrator" and insert: Assistant Secretary for Administration

Senator Ostalkiewicz moved the following substitute amendment which failed to receive the required two-thirds vote:

Amendment 2—On page 19, line 17, delete "appropriate district administrator" and insert: Assistant Secretary for Administration

The question recurred on Amendment 1 which was withdrawn.

On motion by Senator Rossin, CS for CS for SB 384 as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Table with 4 columns: Name, Clary, Grant, Klein, Bankhead, Cowin, Gutman, Kurth, Bronson, Crist, Hargrett, Latvala, Brown-Waite, Dantzler, Harris, Lee, Burt, Diaz-Balart, Holzendorf, McKay, Campbell, Dudley, Horne, Meadows, Casas, Dyer, Jenne, Myers, Childers, Forman, Jones, Ostalkiewicz

SPECIAL ORDER CALENDAR

On motion by Senator Bronson—

CS for SB 186—A bill to be entitled An act relating to fertilizers; amending s. 576.011, F.S.; defining "compost," "investigational allowance," "manipulated manure," "manure," "pelletized fertilizer," "soil amendment," "soil conditioner," "soil additive," and "unmanipulated animal and vegetable manure"; amending s. 576.021, F.S.; deleting registration requirements; amending s. 576.031, F.S.; deleting labeling requirements; amending s. 576.051, F.S.; authorizing the Department of Agriculture and Consumer Services to test fertilizers and collect fees for costs; amending s. 576.061, F.S.; establishing investigational allowances; providing for penalties and compensation for certain plant nutrient deficiencies; amending s. 576.071, F.S.; revising the method of determining commercial value; amending s. 576.091, F.S.; providing for the appointment of members and alternate members of the Fertilizer Technical Council; amending s. 576.101, F.S.; revising performance levels for licensees; amending s. 576.151, F.S.; providing standards for the distribution of certain fertilizers; amending s. 576.181, F.S.; revising the department's authority relating to investigational allowances; reenacting ss. 576.041, 576.055, 576.085, 576.087, 576.111, 576.122, 576.132, 576.141, 576.161, 576.171, 576.191, F.S., relating to fertilizers and scheduled for repeal October 1, 1997; reenacting s. 576.045, F.S., relating to nitrates in fertilizers; repealing s. 19, ch. 92-143, Laws of Florida, relating to the repeal and review of ch. 576, F.S.; providing an effective date.

—was read the second time by title.

Amendments were considered to conform CS for SB 186 to HB 1181.

Pending further consideration of CS for SB 186 as amended, on motion by Senator Bronson, by two-thirds vote HB 1181 was withdrawn from the Committee on Agriculture.

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

HB 1181—A bill to be entitled An act relating to fertilizers; amending s. 576.011, F.S.; defining "compost," "investigational allowance," "manipulated manure," "manure," "pelletized fertilizer," "soil amendment," "soil conditioner," "soil additive," and "unmanipulated animal and vegetable manure"; amending s. 576.021, F.S.; deleting registration requirements; amending s. 576.031, F.S.; deleting labeling requirements; amending s. 576.051, F.S.; authorizing the Department of Agriculture and Consumer Services to test fertilizers and collect fees for costs; amending s. 576.061, F.S.; establishing investigational allowances; providing for penalties and compensation for certain plant nutrient deficiencies; amending s. 576.071, F.S.; revising the method of determining commercial value; amending s. 576.091, F.S.; providing for the appointment of members and alternate members of the Fertilizer Technical Council; amending s. 576.101, F.S.; revising performance levels for licensees; amending s. 576.151, F.S.; providing standards for the distribution of certain fertilizers; amending s. 576.181, F.S.; revising the department's authority relating to investigational allowances; repealing s. 19, ch. 92-143, Laws of Florida, relating to the repeal and review of ch. 576, F.S.; providing an effective date.

—a companion measure, was substituted for CS for SB 186 as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, HB 1181 was placed on the calendar of Bills on Third Reading.

On motion by Senator Thomas—

CS for SB 284—A bill to be entitled An act relating to trust funds; amending s. 112.215, F.S.; creating the Government Employees Deferred Compensation Trust Fund in the State Treasury and providing for its assets and purpose; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 284** was placed on the calendar of Bills on Third Reading.

On motion by Senator Scott—

CS for SB 290—A bill to be entitled An act relating to regulation of lobbyists; amending s. 112.3215, F.S.; extending regulation of lobbying to lobbyists before the Constitution Revision Commission; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 290** was placed on the calendar of Bills on Third Reading.

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

CS for SB 160—A bill to be entitled An act relating to the Constitution Revision Commission; prescribing duties of the Joint Legislative Management Committee; providing an appropriation; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 160** was placed on the calendar of Bills on Third Reading.

On motion by Senator Meadows—

CS for SB 8—A bill to be entitled An act relating to settlement of claims by or on behalf of a minor; amending s. 744.301, F.S.; increasing the amount of a settlement to a minor that may be authorized by a natural guardian without appointment, authority, or bond; increasing the amount of certain settlements on behalf of a minor for which the court may appoint a guardian ad litem; amending s. 744.387, F.S.; increasing the amount of a net settlement to a minor ward that will require a legal guardianship; providing an effective date.

—was read the second time by title.

Senator Dudley moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 3, between lines 15 and 16, insert:

Section 3. Paragraph (a) of subsection (4) of section 744.3215, Florida Statutes, is amended to read:

744.3215 Rights of persons determined incapacitated.—

(4) Without first obtaining specific authority from the court, as described in s. 744.3725, a guardian may not:

(a) Commit the ward to a facility, institution, or licensed service provider *unless without formal placement proceedings proceeding*, pursuant to chapter 393, chapter 394, or chapter 397 *have been initiated*.

(Renumber subsequent section.)

And the title is amended as follows:

On page 1, line 12, after the semicolon (;) insert: amending s. 744.3215, F.S.; clarifying the type of hearing necessary to commit a ward to a facility;

Pursuant to Rule 4.19, **CS for SB 8** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Myers—

SB 144—A bill to be entitled An act relating to limited licensure of physicians; amending ss. 458.317 and 459.0075, F.S.; eliminating the requirement that a physician or osteopathic physician be retired as a condition of being issued a limited license; providing an effective date.

—was read the second time by title.

An amendment was considered to conform **SB 144** to **HB 53**.

Pending further consideration of **SB 144** as amended, on motion by Senator Myers, by two-thirds vote **HB 53** was withdrawn from the Committee on Health Care.

On motion by Senator Myers—

HB 53—A bill to be entitled An act relating to limited licensure of physicians; amending ss. 458.317 and 459.0075, F.S.; eliminating the requirement that a physician or osteopathic physician be retired as a condition of being issued a limited license; providing an effective date.

—a companion measure, was substituted for **SB 144** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 53** was placed on the calendar of Bills on Third Reading.

On motion by Senator Brown-Waite—

SB 356—A bill to be entitled An act relating to the regulation of health care facilities; amending s. 20.42, F.S.; deleting the responsibility of the Division of Health Policy and Cost Control within the Agency for Health Care Administration for reviewing hospital budgets; abolishing the Health Care Board; amending s. 112.153, F.S., 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 s. 212.055, F.S., relating to discretionary sales surtaxes; 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; authorizing the agency to conduct studies and make recommendations to the Governor and the Legislature with respect to the cost, quality, and accessibility of health care; 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 Counsel 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; amending s. 395.0197, F.S.; exempting ambulatory surgical centers and hospitals from certain staffing requirements in surgical recovery rooms; 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; providing an effective date.

—was read the second time by title.

Senator Thomas moved the following amendments which were adopted:

Amendment 1 (with title amendment)—On page 30, line 9, delete “85” and insert: *100 85*

And the title is amended as follows:

On page 2, line 16, after the semicolon (;) insert: revising the definition of “rural hospital” to increase the allowable number of licensed beds;

Amendment 2 (with title amendment)—On page 51, between lines 9 and 10, insert:

Section 23. Paragraph (e) of subsection (2) of section 395.602, Florida Statutes, is amended to read:

395.602 Rural hospitals.—

(2) DEFINITIONS.—As used in this part:

(e) “Rural hospital” means an acute care hospital licensed under this chapter, with *100 85* licensed beds or less, which has an emergency room and is located in an area defined as rural by the United States Census, and which is:

1. The sole provider within a county with a population density of no greater than 100 persons per square mile; or
2. 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 any other acute care hospital within the same county; or
3. A hospital supported by a tax district or subdistrict whose boundaries encompass a population of 100 persons or less per square mile.

Section 24. Subsection (7) is added to s. 409.9116, Florida Statutes, 1996 Supplement, to read:

409.9116 Disproportionate share/financial assistance program for rural hospitals.—In addition to the payments made under s. 409.911, the Agency for Health Care Administration shall administer a federally matched disproportionate share program and a state-funded financial assistance program for statutory rural hospitals. The agency shall make disproportionate share payments to statutory rural hospitals that qualify for such payments and financial assistance payments to statutory rural hospitals that do not qualify for disproportionate share payments. The disproportionate share program payments shall be limited by and conform with federal requirements. In fiscal year 1993-1994, available funds shall be distributed in one payment, as soon as practicable after the effective date of this act. In subsequent fiscal years, funds shall be distributed quarterly in each fiscal year for which an appropriation is made. 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.

(7) This section only applies to hospitals that were defined as statutory rural hospitals prior to July 1, 1997, unless additional funds are provided for such hospitals by the General Appropriations Act.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 3, line 16, after the semicolon (;) insert: amending s. 395.602, F.S.; revising the definition of “rural hospital” to increase the allowable number of licensed beds; amending s. 409.9116, F.S.; exempting certain rural hospitals from the disproportionate share/financial assistance program for rural hospitals;

Pursuant to Rule 4.19, **SB 356** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Gutman—

CS for SB 232—A bill to be entitled An act relating to police and fire animals; amending s. 843.19, F.S.; defining the term “SAR dog”; prohibiting the injuring or killing of an SAR dog under specified circumstances; providing penalties for inflicting bodily harm upon specified animals; providing penalties; providing an effective date.

—was read the second time by title.

Senator Gutman moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 1, line 12, insert:

Section 1. This act may be cited as the “Aspen Search and Rescue Dog Protection Act” in honor of “Aspen” who is an invaluable search and rescue dog in the state, whose handler actively pursued the protection of all search and rescue dogs through legislation.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, line 2, after the semicolon (;) insert: providing a short title;

Pursuant to Rule 4.19, **CS for SB 232** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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

CS for CS for CS for SB 278—A bill to be entitled An act relating to juveniles; amending s. 39.0145, F.S.; authorizing the court to direct the Department of Highway Safety and Motor Vehicles to withhold issuance of, or suspend, a child’s driver’s license if the child is held in contempt; authorizing the court to order that a child in need of services who is held in contempt be issued a restricted license; amending ss. 39.044, 39.054, F.S.; authorizing the Department of Juvenile Justice to employ a collection agency to receive, collect, and manage the payment of delinquent fees required under part II, ch. 39, F.S.; amending s. 39.422, F.S.; revising limitations on placing a child adjudicated in need of services in a shelter; amending s. 39.423, F.S.; clarifying that a child’s parent or legal custodian may make a complaint alleging that the family is in need of services; revising provisions to conform to the creation of the Department of Children and Family Services by the Legislature; requiring the Department of Juvenile Justice to provide certain information to the parent or custodian during the intake process pursuant to a complaint that a child is from a family in need of services; amending s. 39.424, F.S.; authorizing the department to employ a collection agency to receive, collect, and manage the payment of delinquent fees required under part IV, ch. 39, F.S.; amending s. 39.426, F.S.; providing for the state attorney to be represented on a case-staffing committee; authorizing a parent and any other member of the committee to convene a meeting of the committee; providing a timeframe; requiring that the committee make a written report to the parent within 7 days; amending s. 39.436, F.S.; authorizing a child’s parent or custodian to file a petition alleging that a child is a child in need of services; requiring notice to the department; requiring that such a petition allege certain facts; authorizing the court to determine the sufficiency of the petition and verify that the child meets certain qualifications; amending ss. 39.438, 39.44, F.S., relating to the response to a petition and hearings; conforming provisions to changes made by the act; amending s. 39.442, F.S.; authorizing the department to employ a collection agency to receive, collect, and manage the payment of delinquent fees required under part IV, ch. 39, F.S.; creating s. 39.4421, F.S.; specifying circumstances under which a child in need of services may be placed into a staff-secure shelter for an extended period; providing requirements for the child’s parent or custodian; requiring that the child receive education while in the shelter; authorizing the court to extend the term of commitment; requiring that the court review a child’s commitment and make certain determinations; specifying circumstances under which a child must be treated as a dependent child; creating s. 39.4422, F.S.; requiring the Department of Juvenile Justice to establish a pilot program for operating one or more physically secure facilities designated exclusively for children in need of services who are found in contempt of court; requiring that a child alleged to be a child in need of services within the judicial circuit in which the pilot program is established be represented by counsel; providing for an attorney to be appointed to represent an indigent child; requiring that the child be afforded the rights of due process; requiring that a child receive certain services while in the physically secure facility; providing requirements for the child’s parent or custodian; requiring the Juvenile Justice Advisory Board and the department to make certain reports to the Legislature with respect to the pilot program; providing that it is a first-degree misdemeanor for a person to knowingly shelter a minor for longer than a specified period without the consent of the

minor's parent or guardian or without notifying a law enforcement officer; providing that it is a first-degree misdemeanor for a person to knowingly provide aid to a minor who has run away from home without notifying the minor's parent or guardian or a law enforcement officer; requiring the Department of Juvenile Justice and the Department of Children and Family Services to coordinate services provided to children who are locked out of the home and to the families of those children; requiring the departments to establish a joint work group to develop proposals for coordinating services and report to the Legislature; requiring the Department of Juvenile Justice to develop information that details the services and resources that are available for parents of troubled or runaway children; requiring school districts and law enforcement agencies to distribute the information; requiring the Department of Education to analyze data collection and assist school districts in identifying habitual truants; requiring the Department of Education to report to the Legislature on the implementation of programs designed to prevent truancy and make recommendations; requiring a specified State Attorney's Office to report to the Legislature on the feasibility of expanding the Truancy Intervention Program statewide; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for CS for SB 278** was placed on the calendar of Bills on Third Reading.

INTRODUCTION OF FORMER SENATOR

The President introduced former Senator Sherman Winn who was present in the chamber.

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

CS for CS for SB 310—A bill to be entitled An act relating to criminal punishment; amending s. 825.103, F.S.; imposing a more severe penalty for the offense of exploiting an elderly person or disabled adult if the value of the property involved is less than a specified amount; amending s. 895.02, F.S.; redefining the term "racketeering activity" for purposes of the the Florida RICO Act to include the offense of abuse, neglect, or exploitation of an elderly person or disabled adult; 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. 921.0012, F.S., relating to the sentencing guidelines; revising a penalty to conform to changes made by the act; amending s. 947.1405, F.S.; clarifying legislative intent regarding sentences which are eligible for conditional release supervision; providing a legislative finding concerning offenders released from prison who meet conditional release criteria; requiring the Department of Corrections to provide intensive supervision; restricting caseloads of supervising officers; creating s. 948.12, F.S.; providing a legislative finding concerning offenders who are released from prison and who meet the enumerated criteria and have a term of probation to follow incarceration; requiring such offenders to be intensively supervised; restricting caseloads of supervising officers; providing an effective date.

—was read the second time by title.

Senator Gutman moved the following amendments which were adopted:

Amendment 1 (with title amendment)—On page 14, line 16, insert:

Section 9. Effective October 1, 1997, subsections (3) and (4) of section 921.0014, Florida Statutes, as amended by section 22 of chapter 96-388, Laws of Florida, are amended to read:

921.0014 Sentencing guidelines; worksheet computations; scoresheets.—

(3) A single guidelines scoresheet shall be prepared for each defendant, except that if the defendant is before the court for sentencing for more than one felony and the felonies were committed under more than one version or revision of the guidelines, separate scoresheets must be

prepared pursuant to s. 921.0014(b). The scoresheet or scoresheets must cover all the defendant's offenses pending before the court for sentencing. *Either the office of the state attorney or the Department of Corrections, or both where appropriate, shall prepare the scoresheet or scoresheets, which must be presented to the state attorney and the defense counsel for review for accuracy in all cases unless the judge directs otherwise. The defendant's scoresheet or scoresheets must be approved and signed by the sentencing judge.*

~~(4) The Department of Corrections shall develop and submit the revised sentencing guidelines scoresheet to the Sentencing Commission by June 15 of each year, as necessary. Following the Supreme Court's approval of the revised procedures, the Department of Corrections shall produce the revised scoresheets by no later than December 31 of each year, as necessary. To facilitate the purposes of this subsection, all legislation that affects the sentencing guidelines scoresheet shall have an effective date of January 1.~~

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, line 21, after the semicolon (;) insert: amending s. 921.0014, F.S., relating to the sentencing guidelines scoresheets; providing requirements for the state attorney in preparing a defendant's scoresheet; deleting a requirement that the Department of Corrections develop revised scoresheets for submittal to the Sentencing Commission;

Amendment 2—On page 15, line 13, delete that line and insert: *sentences includes*

Pursuant to Rule 4.19, **CS for CS for SB 310** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Gutman—

CS for SB's 764 and 474—A bill to be entitled An act relating to civil damages against drug offenders; creating s. 772.12, F.S.; creating the "Drug Dealer Liability Act"; providing that persons injured by a drug dealer may recover treble damages and reasonable attorney's fees and court costs; providing for minimum damages; providing for recovery of damages, court costs, and fees from the parents or legal guardian of an unemancipated minor under certain circumstances; providing conditions under which a defendant may recover attorney's fees and court costs; providing an effective date.

—was read the second time by title.

Senator Burt moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 1, lines 20 and 21, delete "*Drug Dealer Liability*" and insert: *Hugh O'Connor Memorial*

And the title is amended as follows:

On page 1, line 4, delete "*Drug Dealer Liability*" and insert: *Hugh O'Connor Memorial*

Senator Campbell moved the following amendments which were adopted:

Amendment 2—On page 1, line 22, delete "*plaintiff*" and insert: *person, including any governmental entity,*

Amendment 3—On page 1, lines 26 and 27 and on page 2, lines 2, 10 and 14, delete "*plaintiff*" and insert: *person*

Pursuant to Rule 4.19, **CS for SB's 764 and 474** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Diaz-Balart—

SB 198—A bill to be entitled An act relating to stalking; creating the "Jennifer Act"; amending s. 784.048, F.S.; defining the offense of aggravated stalking of a minor under age 16; providing penalties; providing an effective date.

—was read the second time by title.

Senator Diaz-Balart moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 2, between lines 28 and 29, insert:

Section 3. Paragraph (f) of subsection (3) of section 921.0012, Florida Statutes, 1996 Supplement, is amended to read:

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

(3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(f) LEVEL 6
316.027(1)(b)	2nd	Accident involving death, failure to stop; leaving scene.
316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
775.0875(1)	3rd	Taking firearm from law enforcement officer.
784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.
784.021(1)(b)	3rd	Aggravated assault; intent to commit felony.
784.048(3)	3rd	Aggravated stalking; credible threat.
784.048(5)	3rd	Aggravated stalking of person under 16.
784.07(2)(c)	2nd	Aggravated assault on law enforcement officer.
784.08(2)(b)	2nd	Aggravated assault on a person 65 years of age or older.
784.081(2)	2nd	Aggravated assault on specified official or employee.
784.082(2)	2nd	Aggravated assault by detained person on visitor or other detainee.
787.02(2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
790.115(2)(d)	2nd	Discharging firearm or weapon on school property.
790.161(2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
790.164(1)	2nd	False report of deadly explosive or act of arson or violence to state property.
790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
794.011(8)(a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
794.05(1)	2nd	Unlawful sexual activity with specified minor.
806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
810.02(3)(c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
812.014(2)(b)	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
812.13(2)(c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
817.034(4)(a)1.	1st	Communications fraud, value greater than \$50,000.
817.4821(5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
825.102(1)	3rd	Abuse of an elderly person or disabled adult.
825.102(3)(c)	3rd	Neglect of an elderly person or disabled adult.
825.1025(3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.

Florida Statute	Felony Degree	Description
825.103(2)(c)	3rd	Exploiting an elderly person or disabled adult and property is valued at \$100 or more, but less than \$20,000.
827.03(1)	3rd	Abuse of a child.
827.03(3)(c)	3rd	Neglect of a child.
827.071(2)&(3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
836.05	2nd	Threats; extortion.
836.10	2nd	Written threats to kill or do bodily injury.
843.12	3rd	Aids or assists person to escape.
914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
944.35(3)(a)2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
944.40	2nd	Escapes.
944.46	3rd	Harboring, concealing, aiding escaped prisoners.
944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
951.22(1)	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.

(Renumber subsequent section.)

And the title is amended as follows:

On page 1, line 5, following the second semicolon (;) insert: amending s. 921.0012, F.S.; providing for classification of such offense within the offense severity ranking chart;

Pursuant to Rule 4.19, **SB 198** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Lee—

CS for SB 778—A bill to be entitled An act relating to school buses; amending s. 316.172, F.S.; providing additional penalties for passing a school bus on the side that children enter and exit when the school bus displays a stop signal; clarifying that school buses must display warning lights and stop signals as required by rule of the State Board of Education; amending s. 318.18, F.S.; providing a fine for passing a school bus on the side that children enter and exit when the school bus displays a stop signal; providing for suspension of driver's license for second or subsequent offense; amending s. 318.19, F.S.; requiring a mandatory hearing for passing a school bus on the side of the bus that children enter and exit when the bus displays a stop signal; amending s. 234.051, F.S., relating to school buses; deleting an obsolete reference to the Interstate Commerce Commission; providing correct reference to federal regulations; amending s. 234.101, F.S., relating to requirements for school bus drivers; providing correct references to federal regulations; repealing s. 234.091, F.S., relating to general qualifications for school bus drivers; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 778** was placed on the calendar of Bills on Third Reading.

On motion by Senator Horne—

CS for SB 236—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 324.201, F.S.; deleting the requirement that recovery agents notify law enforcement of the tag seizure; amending s. 324.202, F.S.; expanding into additional counties a pilot project that authorizes a recovery agent or recovery agency to seize the license plate of a motor vehicle following suspension of the

vehicle's registration or suspension of the driver's license of the owner or operator of the vehicle for failing to maintain personal injury protection; requiring that the department provide procedures for paying fees and transmitting a seized license plate to the local law enforcement agency; requiring the department to report to the Legislature on the results of the pilot project; providing a termination date for the pilot project; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 236** was placed on the calendar of Bills on Third Reading.

On motion by Senator Sullivan—

SB 350—A bill to be entitled An act relating to health insurance; amending s. 627.419, F.S.; including physician assistants within certain benefits or services payment provisions; limiting application; providing an effective date.

—was read the second time by title.

An amendment was considered to conform **SB 350** to **CS for HB 7**.

Pending further consideration of **SB 350** as amended, on motion by Senator Sullivan, by two-thirds vote **CS for HB 7** was withdrawn from the Committee on Banking and Insurance.

On motion by Senator Sullivan—

CS for HB 7—A bill to be entitled An act relating to health insurance; amending s. 627.419, F.S.; including physician assistants within certain benefits or services payment provisions; limiting application; providing an effective date.

—a companion measure, was substituted for **SB 350** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 7** was placed on the calendar of Bills on Third Reading.

On motion by Senator Dudley—

CS for SB 82—A bill to be entitled An act relating to real estate transactions; amending s. 475.01, F.S.; defining the terms "customer," "first contact," and "principal"; redefining the term "transaction broker"; deleting the definitions of the terms "buyer," "disclosed dual agent," and "seller"; amending s. 475.25, F.S.; modifying grounds for the imposition of discipline by the Florida Real Estate Commission; conforming a statutory cross-reference; creating ss. 475.2701, 475.272, 475.274, 475.276, 475.278, 475.2801, F.S.; establishing the "Brokerage Relationship Disclosure Act"; providing for notice of nonrepresentation; providing for disclosure of authorized brokerage relationships and the corresponding duties of real estate licensees; authorizing rulemaking by the Florida Real Estate Commission; amending s. 475.5015, F.S.; adding disclosure documents to items to be retained as brokerage business records; amending s. 468.383, F.S.; conforming a statutory cross-reference; providing an effective date.

—was read the second time by title.

Senator Dudley moved the following amendments which were adopted:

Amendment 1—On page 12, lines 7-9, delete "*or in situations where the real estate licensee and the potential seller or buyer enter into a signed brokerage relationship contract at that time*"

Amendment 2—On page 14, line 25 and on page 16, line 7, delete the semicolon (;) and insert: *, unless a party has previously directed the licensee otherwise in writing;*

Amendment 3—On page 17, lines 3-24, delete those lines and insert:

(3) *SINGLE AGENT RELATIONSHIP.*—

(a) *Single agent - duties.*—*The duties of a real estate licensee owed to a buyer or seller who engages the real estate licensee as a single agent include the following:*

1. *Dealing honestly and fairly;*
2. *Loyalty;*
3. *Confidentiality;*
4. *Obedience;*
5. *Full disclosure;*
6. *Accounting for all funds;*
7. *Skill, care, and diligence in the transaction; and*
8. *Presenting all offers and counteroffers in a timely manner, unless a party has previously directed the licensee otherwise in writing.*

Amendment 4—On page 19, line 13, before the period (.) insert: *, unless a party has previously directed the licensee otherwise in writing*

Amendment 5—On page 20, lines 4 and 5, delete those lines and insert:

(4) *NO BROKERAGE RELATIONSHIP - DUTIES.*—*A real estate licensee owes to a customer with whom the licensee has no brokerage relationship the following*

Pursuant to Rule 4.19, **CS for SB 82** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Thomas—

CS for CS for SB 286—A bill to be entitled An act relating to state group insurance; amending s. 20.22, F.S.; renaming the Division of State Employees' Insurance within the Department of Insurance as the Division of State Group Insurance; creating the Florida State Group Health Insurance Council within the department; providing its membership; providing its powers and duties; providing for meetings; providing travel and per diem; amending s. 20.42, F.S.; eliminating duties of the Division of State Health Purchasing of the Agency for Health Care Administration with respect to state employee health insurance; amending s. 110.123, F.S.; defining the term "division"; creating the Division of State Group Insurance within the Department of Management Services and requiring that department to provide administrative support and service to the division; excluding the division from control, supervision, or direction by the department; providing for a director of the division; providing requirements; providing for administration of the state group insurance program by the division; providing criteria for division contracts with insuring entities; requiring notice by certain health care providers; authorizing the division to adopt rules; amending s. 110.12315, F.S.; assigning the Division of State Group Insurance duties relating to the prescription drug program; amending s. 110.1232, F.S.; assigning the Division of State Group Insurance duties relating to health insurance coverage for persons retired under state-administered retirement before a specified date; amending s. 110.1234, F.S.; assigning the Division of State Group Insurance duties relating to health insurance for retirees under the Florida Retirement System or Medicare Supplement; amending s. 110.161, F.S.; assigning the Division of State Group Insurance duties relating to the pretax benefits program; providing an effective date.

—was read the second time by title.

Senators Horne and Thomas offered the following amendments which were moved by Senator Horne and adopted:

Amendment 1—On page 16, line 19, after "dental care," insert: *long-term care,*

Amendment 2—On page 16, line 26, delete "department" and insert: *division* ~~department~~

Amendment 3—On page 21, line 25, after "programs" insert: *of the type it proposes to administer*

Amendment 4—On page 22, after line 31 insert:

(h) Have authority to establish a voluntary group long-term care program or other programs to be funded on a pre-tax contribution basis or on a post-tax contribution basis, as the division determines.

Amendment 5—On page 24, line 23, after “to” insert: *the extent possible to*

Senator Thomas moved the following amendment which was adopted:

Amendment 6—On page 26, line 24, delete “Department of Management Services” and insert: *Division of State Group Insurance Department of Management Services*

Pursuant to Rule 4.19, **CS for CS for SB 286** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Rossin—

SB 332—A bill to be entitled An act relating to investment of public funds; amending s. 218.403, F.S.; defining the terms “current expenses” and “short term” for purposes of investment of local government surplus funds; amending s. 218.415, F.S.; prescribing applicability of provisions that require a unit of local government to make its investment activity consistent with an adopted, written investment plan; revising a list of authorized investments; providing an effective date.

—was read the second time by title.

Senator Rossin moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 7, line 29 through page 8, line 1, delete those lines and insert:

(f) Federal agencies and instrumentalities.

The securities listed in paragraphs (c), (d), (e), and (f)

And the title is amended as follows:

On page 1, lines 10 and 11, delete those lines and insert: *written investment plan; providing an effective*

Pursuant to Rule 4.19, **SB 332** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Kurth—

SB 68—A bill to be entitled An act relating to mobile home park recreation districts; amending s. 418.304, F.S.; providing alternatives to district boards of trustees for collecting a district assessment and for enforcing a lien for a district assessment; providing penalties; providing for delinquent fees; providing for a claim of lien for delinquent assessments; providing for awarding attorney’s fees in certain circumstances; providing an effective date.

—was read the second time by title.

The Committee on Regulated Industries recommended the following amendment which was moved by Senator Kurth and failed:

Amendment 1—On page 2, lines 8 and 9, delete those lines and insert: *remedies provided for the enforcement and collection of county taxes.*

Senator Rossin moved the following amendment:

Amendment 2 (with title amendment)—On page 2, line 4 through page 3, line 1, delete those lines and insert: *However, before the board elects to collect assessments monthly, it must provide notice and an opportunity for public comment to all affected property owners.*

1. If the board of trustees elects to collect the district assessment in a single annual installment, the district assessment must be considered part of the county tax and is subject to the same penalties, charges, fees, and remedies for enforcement and collection provided for the collection of county taxes.

2. If the board of trustees elects to collect the district assessment in equal monthly installments, it must provide to all affected property owners notice that includes a clear and conspicuous statement of the change in the property owner’s rights with regard to foreclosure proceedings. If the district assessment is collected in equal monthly installments, the district assessment must not be considered part of the county tax and must not be collected as part of the county tax collection. Each monthly installment must be billed by the district to the owner of each improved residential parcel at the address of the owner shown on the county tax roll. Each installment is due and payable on the first day of each month and is delinquent if not paid within 1 month after its due date. This subparagraph does not prohibit any owner from paying multiple monthly installments in advance of the due dates of such installments. The district may collect a delinquent fee of not more than \$10 per month or fraction thereof on any delinquent installment. The district may enforce a lien with respect to any delinquent installment. The lien must be perfected by recording in the public records of the county a claim of lien with respect to any delinquent installment, and the claim of lien has a priority as of the date of the recording. The claim of lien must be recorded no earlier than 30 days after an installment becomes delinquent, and the district may foreclose a lien for which a claim has been recorded. With respect to each such lien that the board records, the board must provide to the property owner, no later than 5 days after the lien is recorded, notice that includes a clear and conspicuous statement of the board’s right to foreclose. The foreclosure proceeding may be brought no sooner than 60 days after recording a claim of lien or 1 year after the first installment became delinquent, whichever is later, and may

And the title is amended as follows:

On page 1, line 10, after the semicolon (;) insert: *providing notice requirements relating to the effects that such alternative collection method may have on property owners’ rights;*

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

Amendment 2A—On page 1, lines 24 and 25, delete those lines and insert: *remedies provided for the enforcement and collection of county taxes.*

Amendment 2 as amended was adopted.

Pursuant to Rule 4.19, **SB 68** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

MOTION

On motion by Senator Bankhead, by two-thirds vote all bills remaining on the Special Order Calendar this day were established as the Special Order Calendar for Thursday, March 27.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Wednesday, March 26, 1997: CS for SB 186, CS for SB 284, CS for SB 290, CS for SB 160, CS for SB 8, SB 144, SB 356, CS for SB 232, CS for CS for CS for SB 278, CS for CS for SB 310, CS for SB’s 764 and 474, SB 198, CS for SB 778, CS for SB 236, SB 350, CS for SB 82, CS for CS for SB 286, SB 332, SB 68, CS for CS for SB 188, SB 416, SB 418, SB 420, SB 422, SB 428, SB 430, SB 432, SB 434, SB 436, SB 438, SB 440, SB 424

Respectfully submitted,
W. G. (Bill) Bankhead, Chairman

The Committee on Health Care recommends the following pass: SB 1244

The Committee on Natural Resources recommends the following pass: SB 1370

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

The Committee on Governmental Reform and Oversight recommends the following pass: SB 1848

The Committee on Natural Resources recommends the following pass: SB 854

The Committee on Regulated Industries recommends the following pass: SB 1794 with 2 amendments

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

The Committee on Natural Resources recommends the following pass: SB 1652 with 1 amendment

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

The Committee on Governmental Reform and Oversight recommends the following pass: SB 1728

The Committee on Regulated Industries recommends the following pass: SB 1992

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

The Committee on Commerce and Economic Opportunities recommends the following pass: SB 476

The Committee on Health Care recommends the following pass: SB 1462

The bills contained in the foregoing reports were referred to the Committee on Governmental Reform and Oversight under the original reference.

The Committee on Criminal Justice recommends the following pass: SB 380 with 1 amendment

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

The Committee on Agriculture recommends the following pass: SB 1562

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

The Committee on Criminal Justice recommends the following pass: SB 532

The Committee on Health Care recommends the following pass: SB 1116, SB 1118, SB 1120 with 1 amendment, SB 1122, SB 1124

The Committee on Natural Resources recommends the following pass: SB 686

The Committee on Regulated Industries recommends the following pass: SB 1130

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

The Committee on Children, Families and Seniors recommends the following pass: SB 128 with 3 amendments

The Committee on Criminal Justice recommends the following pass: SB 958

The Committee on Executive Business, Ethics and Elections recommends the following pass: SB 72 with 1 amendment, SB 1008 with 1 amendment

The Committee on Governmental Reform and Oversight recommends the following pass: SB 354, SB 660 with 1 amendment, CS for SB 888, SB 966

The Committee on Health Care recommends the following pass: SB 810 with 1 amendment, SB 1270

The Committee on Natural Resources recommends the following pass: SB 1430

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

The Committee on Community Affairs recommends the following not pass: SB 306

The bill was laid on the table.

The Committee on Natural Resources recommends a committee substitute for the following: Senate Bills 1306 and 1934

The bills with committee substitute attached were referred to the Committee on Ways and Means under the original reference.

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: SB 1990

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

The Committee on Community Affairs recommends a committee substitute for the following: SB 964

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

The Committee on Children, Families and Seniors recommends committee substitutes for the following: CS for SB's 566 and 626, SB 1520

The Committee on Community Affairs recommends a committee substitute for the following: SB 1154

The Committee on Natural Resources recommends committee substitutes for the following: SB 484, SB 1486

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

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: SB 1920

The Committee on Natural Resources recommends a committee substitute for the following: SB 680

The Committee on Regulated Industries recommends committee substitutes for the following: SB 1310, SB 1726

The Committee on Ways and Means recommends committee substitutes for the following: SB 160, CS for SB 188, CS for CS for SB 278, CS for SB 310

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

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By Senator Ostalkiewicz—

SR 2202—A resolution urging the President and the Congress of the United States to support the petition of the Republic of Poland for admission to the North Atlantic Treaty Organization.

—was referred to the Committee on Rules and Calendar.

Senate Bills 2204—2238 were previously referenced.

By Senator Silver—

SB 2240—A bill to be entitled An act relating to the practice of psychology; amending s. 490.003, F.S.; redefining the practice of psychology to include the prescription of psychotropic drugs; creating s. 490.0145, F.S.; prescribing conditions on prescription and administration of psychotropic drugs by psychologists; amending ss. 464.003, 464.012, F.S., relating to nursing, to conform; amending s. 893.02, F.S., relating to controlled substances, to conform; providing an effective date.

—was referred to the Committee on Health Care.

By Senator Diaz-Balart—

SB 2242—A bill to be entitled An act relating to Miami-Dade Community College, Dade County; providing for the district board of trustees of the college to levy up to 1 mill tax per year for 10 years; providing for a referendum; providing for assessment and collection; providing legislative intent with respect to state funding for Miami-Dade Community College; providing an effective date.

Proof of publication of the required notice was attached.

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

By Senator Forman—

SB 2244—A bill to be entitled An act relating to the City of Coconut Creek, Broward County; extending and enlarging the corporate limits of the City of Coconut Creek to include specified unincorporated lands within said corporate limits; redefining city limits; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

SR 2246—Not referenced.

By Senator Jones—

SB 2248—A bill to be entitled An act relating to offenses by driver of vehicle in accident involving death or personal injury; amending s. 316.027, F.S.; redefining the offense of unlawful failure to stop or remain at the scene of such accident; providing circumstances under which a person who knew or should have known the accident occurred commits such offense, regardless of whether the person knew at the time of the accident that injury or death resulted; reenacting s. 921.0012(3)(e) and (f), F.S., relating to the sentencing guidelines offense severity ranking chart, to incorporate said amendment in references; amending s. 775.089, F.S., relating to restitution; providing that the court may order a person who commits such offense to make restitution for certain damages or loss related to, or occurring directly or indirectly as a result of,

the underlying accident resulting in injury or death; amending s. 921.0011, F.S.; redefining the term "victim injury," for purposes of sentencing a person who commits such offense, to include physical injury or death suffered by a person as a direct or indirect result of the underlying accident; amending ss. 316.066 and 960.03, F.S., relating to written reports of accidents and definitions with respect to the Florida Crimes Compensation Act, respectively, to correct a cross reference; providing an effective date.

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

By Senator Bankhead—

SB 2250—A bill to be entitled An act relating to long-term care; providing legislative findings and intent; creating the "Long-Term Care Community Diversion Pilot Project Act"; providing definitions; providing for evaluation of criteria and procedures for long-term care through community diversion pilot projects; providing for design and implementation of pilot projects; providing for funding and participant cost-sharing; providing for selection of pilot project areas; providing service requirements; providing for quality of care standards; authorizing contracts for managed care services; revising certificate-of-need nursing home bed need methodology to accommodate pilot project development; requiring annual reports; requiring independent evaluation of pilot projects; specifying responsibilities of the Department of Elderly Affairs and the Agency for Health Care Administration; creating the long-term care interagency advisory council; providing for appointment of members; providing council duties; amending s. 400.071, F.S.; authorizing the agency to consider specified certificate-of-need review criteria for nursing homes; providing an effective date.

—was referred to the Committees on Children, Families and Seniors; Health Care; and Ways and Means.

By Senator Rossin—

SB 2252—A bill to be entitled An act relating to the tourist development tax; amending s. 125.0104, F.S.; providing for a county to levy an additional tax for the purpose of paying the operating deficit of a convention center located in a community redevelopment area; providing an effective date.

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

By Senator Kirkpatrick—

SB 2254—A bill to be entitled An act relating to education; authorizing the creation of charter technical institutes; prescribing powers and duties of the Commissioner of Education, the Department of Education, the district school boards, and the Workforce Development Board of Enterprise Florida, Inc., with respect to charter technical institutes; prescribing powers and duties of charter technical institutes and their boards of trustees; providing for funding charter technical institutes; prescribing rights and duties of employees of charter technical institutes and of district school board employees working at charter technical institutes; providing for the resolution of complaints; providing for revocation of a charter; providing for rules; amending s. 236.081, F.S.; providing for calculating changes in school district funding resulting from a drop in enrollment based on student transfers to a charter technical institute; providing an effective date.

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

By Senator Kirkpatrick—

SB 2256—A bill to be entitled An act relating to education; requiring academic enrichment activities for specified students; requiring an eval-

uation of student academic progress; providing conditions that require a funding shift; providing an effective date.

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

By Senator Harris—

SB 2258—A bill to be entitled An act relating to vessel taxes; amending s. 212.06, F.S.; exempting certain vessels used by vessel manufacturers and dealers solely for demonstration, sales promotional, and testing purposes from the tax on sales, use, and other transactions; providing a definition; providing for application; providing an effective date.

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

By Senator Diaz-Balart—

SB 2260—A bill to be entitled An act relating to Enterprise Florida, Inc.; amending s. 288.905, F.S.; requiring Enterprise Florida, Inc., and its boards to identify programs and develop performance measures for use in performance-based program budgeting; requiring the Office of Tourism, Trade, and Economic Development of the Executive Office of the Governor to submit a performance-based program budget for Enterprise Florida, Inc., and its boards; revising requirements for review by the Office of Program Policy Analysis and Government Accountability of the Office of the Auditor General; providing an effective date.

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

By Senator Williams—

SB 2262—A bill to be entitled An act relating to the Administrative Procedure Act; amending s. 120.57, F.S.; providing an exemption from this section for certain proceedings involving State University System employees; providing an effective date.

—was referred to the Committees on Education and Judiciary.

By Senator Turner—

SB 2264—A bill to be entitled An act relating to funds for operating schools; amending s. 236.081, F.S.; providing for calculating weighted enrollment ceilings for each school district; providing for adjusting the ceilings in specified circumstances; providing an effective date.

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

By Senator Dyer—

SB 2266—A bill to be entitled An act relating to civil justice reform; creating s. 240.385, F.S.; creating the Public Perspective Study Unit for Civil Justice Reform within the Division of Community Colleges of the Department of Education; providing for appointment of an executive director for the study unit; prescribing responsibilities of community colleges and the study unit and guidelines with respect to public forums on civil justice reform; requiring a report to the Legislature; providing for a Senior Management position; providing an appropriation; providing an effective date.

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

By Senator Crist—

SM 2268—A memorial to the Congress of the United States, urging Congress to adopt and submit to the states for ratification an amend-

ment to the Constitution of the United States to provide term limits for United States Senators and Representatives.

—was referred to the Committee on Rules and Calendar.

By Senator Crist—

SB 2270—A bill to be entitled An act relating to candidates for Congress; requiring certain information to be placed on the ballot informing electors of the candidates' acts with respect to the proposal to limit Congressional terms; providing duties of the Department of State; providing for appeal of department determinations; providing a repealer; providing legislative intent; amending ss. 101.181, 101.191, F.S., to conform; providing an effective date.

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

By Senator McKay—

SB 2272—A bill to be entitled An act relating to driver's licenses; amending s. 322.18, F.S.; prohibiting the Department of Highway Safety and Motor Vehicles from renewing a driver's license if its records show that the driver is the subject of an outstanding warrant for worthless checks; directing the Department of Law Enforcement to provide the Department of Highway Safety and Motor Vehicles with electronic access; providing circumstances for renewal of license; providing for confidentiality; providing for a fee; providing an effective date.

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

By Senator Jenne—

SB 2274—A bill to be entitled An act relating to postsecondary education; creating s. 240.3205, F.S.; providing legislative intent relating to student readiness for postsecondary education; amending s. 240.321, F.S.; revising rules of community college district boards of trustees for the admission of students; providing an effective date.

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

By Senator Jones—

SB 2276—A bill to be entitled An act relating to veterans; creating s. 320.08405, F.S.; directing the Department of Highway Safety and Motor Vehicles to develop, in cooperation with the Department of Veterans' Affairs, taglets honoring each military branch; providing for a fee; providing for applications; providing for the disposition of fees; providing an effective date.

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

By Senator Williams—

SB 2278—A bill to be entitled An act relating to insurance receivership; creating the "Interstate Insurance Receivership Compact"; providing purposes; providing definitions; establishing the Interstate Insurance Receivership Commission; providing powers of the commission; providing for membership of the commission; providing for an executive director and staff; providing for immunity from liability for the commission and staff; providing for meetings of the commission; providing for rulemaking functions of the commission; providing for oversight and dispute resolution; providing procedures; providing receivership functions of the commission; providing for financing of commission expenses; authorizing the commission to levy and collect an annual assessment from member states and insurers; specifying a rate of assessment; providing limitations; exempting the commission from all taxation; providing for effect of the compact; providing for amendment of the compact;

providing for withdrawal from the compact; providing consequences for default by a state that is party to the compact; providing for dissolution of the compact; providing severability and construction; providing for binding effect of the compact; providing an effective date.

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

By Senator Childers—

SB 2280—A bill to be entitled An act relating to gambling equipment; creating s. 849.2315, F.S.; directing the Department of Business and Professional Regulation to make certain rules; requiring manufacturers to be bonded and to place a registration number on equipment manufactured; providing for administrative and criminal penalties; providing an effective date.

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

By Senator Holzendorf—

SB 2282—A bill to be entitled An act relating to fines; amending s. 939.017, F.S.; providing that fines collected for misdemeanor convictions involving drug or alcohol shall be forwarded to the jurisdictional county of collection rather than to the Department of Health and Rehabilitative Services; providing for the deposit of such fines in the local County Alcohol and Other Drug Abuse Trust Fund; repealing s. 397.321(20), F.S.; conforming provisions to the act; providing an effective date.

—was referred to the Committees on Children, Families and Seniors; Community Affairs; and Ways and Means.

By Senator Grant—

SB 2284—A bill to be entitled An act relating to motor vehicle financial responsibility; amending s. 316.646, F.S.; conforming provisions; amending s. 324.021, F.S.; redefining the term “motor vehicle”; increasing financial responsibility requirements; creating s. 324.023, F.S.; establishing mandatory financial responsibility requirements; amending s. 324.031, F.S.; increasing financial responsibility requirements for certain commercial vehicles for hire; amending s. 324.161, F.S.; increasing surety bond or deposit requirements; amending s. 324.171, F.S.; increasing limits for self-insurers; amending s. 627.733, F.S.; conforming provisions; providing an effective date.

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

By Senator Childers—

SJR 2286—A joint resolution proposing amendments to Section 10 of Article V and Section 4 of Article VI of the State Constitution relating to judicial terms and term limitations.

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

By Senator Burt—

SB 2288—A bill to be entitled An act relating to state financial accountability; creating the Florida Single Audit Act; providing intent and findings; creating s. 216.3491, F.S.; providing purposes of the act; providing definitions; providing duties of the Executive Office of the Governor, the Comptroller, and state agencies that award state funds to nonstate agencies to carry out state projects; providing conditions on nonstate agencies’ receipt of state funds; requiring recipients and subrecipients of state funds to obtain audits; prescribing standards for such audits; prescribing duties of auditors; providing for access to records; prescribing duties of the Auditor General; repealing s. 216.349, F.S., relating to

financial review of grants and aids appropriations; providing applicability; providing an effective date.

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

By Senator Grant—

SB 2290—A bill to be entitled An act relating to license plates; amending s. 320.08058, F.S.; providing for the distribution and use of annual use fees for manatee license plates; providing an effective date.

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

By Senator Hargrett—

SB 2292—A bill to be entitled An act relating to specialty license plates; amending s. 320.08053, F.S.; providing requirements for governmental agencies seeking to establish specialty plates; amending s. 320.08056, F.S.; providing that only governmental agencies may request the creation of specialty plates; discontinuing all existing specialty plates if funds are not appropriated to a governmental agency; providing an effective date.

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

SR 2294—Not referenced.

By Senator Harris—

SB 2296—A bill to be entitled An act relating to child custody; creating s. 61.121, F.S.; providing for rotating custody of a child under certain circumstances; providing guidelines; providing for a reduction in child support in court-ordered rotating custody; requiring shared parental responsibility in rotating custody cases; prohibiting the consideration of certain matters as a justification for not ordering rotating custody; amending s. 61.046, F.S.; providing a definition; amending s. 61.052, F.S.; providing for rotating custody during a period of continuance; providing an effective date.

—was referred to the Committee on Judiciary.

By Senator Lee—

SB 2298—A bill to be entitled An act relating to license plates; amending ss. 320.08056, 320.08058, F.S.; creating a Choose Life license plate; providing for the distribution of annual use fees received from the sale of such plates; providing a contingent effective date.

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

By Senator Campbell—

SB 2300—A bill to be entitled An act relating to protection against domestic violence; amending s. 44.102, F.S.; providing that a case is not referable to family mediation if the court finds there has been a history of domestic violence; amending s. 61.13, F.S., relating to child custody and support; providing for creation of a rebuttable presumption of detriment to a child upon evidence of a parent’s conviction of a felony involving domestic violence; providing for evidence of spousal or child abuse to be considered by the court as evidence of detriment to the child; amending s. 741.28, F.S.; redefining “domestic violence” to include kidnapping and false imprisonment and other specified criminal offenses resulting in physical injury or death of one family or household member by another, regardless of whether the perpetrator was or is residing in

the same dwelling unit; amending s. 741.30, F.S.; providing for court orders to protect the children of the domestic violence victim's minor children; revising the period during which injunctive relief remains effective; providing for motion to modify or dissolve injunction by either party; providing for indication of specified information on the face of a temporary or final judgment for protection against domestic violence; amending s. 741.31, F.S.; defining the offense of willfully violating a foreign protection order accorded full faith and credit by specified acts; providing penalties; creating s. 741.315, F.S.; requiring that an injunction for protection against domestic violence issued by a "court of a foreign state," as defined, be accorded full faith and credit; providing exceptions; providing for availability of a registration procedure to protected persons; providing duties of the Florida Department of Law Enforcement and sheriffs and other local law enforcement officers with respect to registration and enforcement of foreign protection order; providing certain immunity from civil and criminal liability to law enforcement officer and officer's employing agency; defining the offense of intentionally providing a law enforcement officer with a copy of protection order known to be invalid or denying having been served with protection order when served; providing penalties; amending s. 784.046, F.S., relating to action by victim of repeat violence for protective injunction; providing certain immunity from civil and criminal liability to law enforcement officer and officer's employing agency; revising period of duration of injunctive relief; amending s. 784.047, F.S., relating to penalties for violating protective injunction against repeat violators; defining offenses of willfully violating a foreign protection order accorded full faith and credit by committing specified acts; providing penalties; amending s. 901.15, F.S., relating to circumstances when arrest by officer without warrant is lawful; providing conforming terminology and cross references; providing certain immunity from civil liability to law enforcement officer; providing an effective date.

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

By Senator Turner—

SB 2302—A bill to be entitled An act relating to dropout prevention; amending s. 230.2316, F.S., the Dropout Prevention Act; amending the definition of the term "educational alternatives programs"; providing an effective date.

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

By Senator Grant—

SB 2304—A bill to be entitled An act relating to the Employee Health Care Access Act; amending s. 627.6699, F.S.; defining the term "medically necessary"; prohibiting coverage for certain abortions and related procedures; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Health Care.

By Senator Crist—

SB 2306—A bill to be entitled An act relating to pretrial release; creating the "Citizen's Right-to-Know Act"; requiring each chief county judge and chief circuit judge to prepare a register that contains information regarding the cases and criminal defendants who are released on pretrial release; requiring the register to be available to the public; providing requirements for updating the register; specifying information to be contained in the register; requiring each chief county judge and chief circuit judge to file an annual report with the Office of the State Courts Administrator; requiring that such report be available to the public; specifying information to be contained in the report regarding the number of defendants who are released on pretrial release under specified circumstances; providing an effective date.

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

By Senator Dudley—

SCR 2308—A concurrent resolution expressing the sentiment of the Legislature that the balanced budget amendment to the United States Constitution should be ratified.

—was referred to the Committee on Rules and Calendar.

By Senator Hargrett—

SB 2310—A bill to be entitled An act relating to traffic control; creating s. 316.0752, F.S.; authorizing traffic speed photo-monitoring device demonstration projects; providing for repeal; providing an effective date.

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

By Senator Forman—

SB 2312—A bill to be entitled An act relating to health care for low-income persons; providing legislative intent with respect to access to health care services for low-income employees of small employers and self-employed individuals; providing definitions; authorizing community health purchasing alliances in a specified county to contract, under a pilot project, with provider networks for clinic-based health care services for low-income employees of small employers, self-employed individuals, and dependents of low-income employees and self-employed individuals; requiring the Agency for Health Care Administration to adopt rules for eligibility requirements and for administrative and accounting standards; requiring the Department of Insurance to adopt by rule requirements for licensure, financial reserves, and financial solvency; providing an effective date.

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

By Senator Dantzler—

SB 2314—A bill to be entitled An act relating to motor vehicles and mobile homes; amending s. 316.193, F.S.; increasing the penalty for driving while under the influence; amending s. 320.07, F.S.; revising penalties for operating a motor vehicle, or having a mobile home, with an expired registration; amending s. 320.131, F.S.; revising penalties for using an expired temporary tag; amending s. 320.261, F.S.; redefining the offense of attaching an unassigned registration license plate to a motor vehicle or mobile home; providing penalties; providing an effective date.

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

By Senator Silver—

SB 2316—A bill to be entitled An act relating to timeshare plans; amending s. 721.03, F.S.; revising provisions with respect to the scope of the chapter; providing for certain rules; amending s. 721.06, F.S.; revising provisions with respect to contracts for the purchase of timeshare periods; amending s. 721.07, F.S.; revising provisions with respect to public offering statements; providing a time period for amendments that add a new component site to an approved multisite timeshare plan; amending s. 721.075, F.S.; deleting provisions with respect to certain incidental benefits offered by a developer; amending s. 721.09, F.S.; revising provisions with respect to reservation agreements; providing for cancellation of such agreements under certain circumstances; amending s. 721.13, F.S.; revising provisions with respect to management; amending s. 721.15, F.S.; revising provisions with respect to assessments for common expenses; amending s. 721.18, F.S.; revising a time period with respect to the filing of certain information concerning exchange programs; amending s. 721.26, F.S.; authorizing the imposition of penalties with respect to certain rules; creating part III of chapter 721, F.S.; creating the "Timeshare Lien Foreclosure Act"; providing legislative

purpose; providing definitions; providing qualifications of trustees and appointment of successor trustees; providing for disclosure and acknowledgment; providing for conditions to the exercise of the power of sale by a trustee; providing for the manner of delivery of notice of default and intent to sell; providing for notice of sale; providing for publication of notice of sale; providing for trustee's certificate of compliance; providing for the manner of sale; providing for the effect of the trustee's sale; providing for the issuance of a trustee's deed; providing for the disposition of the proceeds of sale; providing for the form and effect of the trustee's deed; providing for the application of the part; providing an effective date.

—was referred to the Committees on Regulated Industries and Judiciary.

By Senator Forman—

SB 2318—A bill to be entitled An act relating to Broward County; providing for the election of school board members of Broward County from single-member residential areas within the district; providing for a referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Childers—

SB 2320—A bill to be entitled An act relating to pharmacists; amending s. 465.003, F.S.; redefining the term "practice of the profession of pharmacy"; amending s. 465.186, F.S.; authorizing pharmacists to initiate or modify drug therapy under certain circumstances; providing an effective date.

—was referred to the Committee on Health Care.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Ways and Means; and Senators Scott, Dudley and Jenne—

CS for SB 160—A bill to be entitled An act relating to the Constitution Revision Commission; prescribing duties of the Joint Legislative Management Committee; providing an appropriation; providing an effective date.

By the Committees on Ways and Means; Commerce and Economic Opportunities; and Senators McKay and Williams—

CS for CS for SB 188—A bill to be entitled An act relating to unemployment compensation; providing for temporary reductions in certain contribution rates for specified employers; amending s. 443.036, F.S.; revising exemption criteria for services performed by children employed by their parents; amending s. 443.111, F.S.; increasing the maximum weekly and yearly benefit amounts for unemployment compensation benefits; specifying benefit years; providing effective dates.

By the Committees on Ways and Means; Criminal Justice; Children, Families and Seniors; and Senators Burt, Rossin and Gutman—

CS for CS for CS for SB 278—A bill to be entitled An act relating to juveniles; amending s. 39.0145, F.S.; authorizing the court to direct the Department of Highway Safety and Motor Vehicles to withhold issuance of, or suspend, a child's driver's license if the child is held in contempt; authorizing the court to order that a child in need of services who is held in contempt be issued a restricted license; amending ss. 39.044, 39.054, F.S.; authorizing the Department of Juvenile Justice to employ a collection agency to receive, collect, and manage the payment of delinquent fees required under part II, ch. 39, F.S.; amending s.

39.422, F.S.; revising limitations on placing a child adjudicated in need of services in a shelter; amending s. 39.423, F.S.; clarifying that a child's parent or legal custodian may make a complaint alleging that the family is in need of services; revising provisions to conform to the creation of the Department of Children and Family Services by the Legislature; requiring the Department of Juvenile Justice to provide certain information to the parent or custodian during the intake process pursuant to a complaint that a child is from a family in need of services; amending s. 39.424, F.S.; authorizing the department to employ a collection agency to receive, collect, and manage the payment of delinquent fees required under part IV, ch. 39, F.S.; amending s. 39.426, F.S.; providing for the state attorney to be represented on a case-staffing committee; authorizing a parent and any other member of the committee to convene a meeting of the committee; providing a timeframe; requiring that the committee make a written report to the parent within 7 days; amending s. 39.436, F.S.; authorizing a child's parent or custodian to file a petition alleging that a child is a child in need of services; requiring notice to the department; requiring that such a petition allege certain facts; authorizing the court to determine the sufficiency of the petition and verify that the child meets certain qualifications; amending ss. 39.438, 39.44, F.S., relating to the response to a petition and hearings; conforming provisions to changes made by the act; amending s. 39.442, F.S.; authorizing the department to employ a collection agency to receive, collect, and manage the payment of delinquent fees required under part IV, ch. 39, F.S.; creating s. 39.4421, F.S.; specifying circumstances under which a child in need of services may be placed into a staff-secure shelter for an extended period; providing requirements for the child's parent or custodian; requiring that the child receive education while in the shelter; authorizing the court to extend the term of commitment; requiring that the court review a child's commitment and make certain determinations; specifying circumstances under which a child must be treated as a dependent child; creating s. 39.4422, F.S.; requiring the Department of Juvenile Justice to establish a pilot program for operating one or more physically secure facilities designated exclusively for children in need of services who are found in contempt of court; requiring that a child alleged to be a child in need of services within the judicial circuit in which the pilot program is established be represented by counsel; providing for an attorney to be appointed to represent an indigent child; requiring that the child be afforded the rights of due process; requiring that a child receive certain services while in the physically secure facility; providing requirements for the child's parent or custodian; requiring the Juvenile Justice Advisory Board and the department to make certain reports to the Legislature with respect to the pilot program; providing that it is a first-degree misdemeanor for a person to knowingly shelter a minor for longer than a specified period without the consent of the minor's parent or guardian or without notifying a law enforcement officer; providing that it is a first-degree misdemeanor for a person to knowingly provide aid to a minor who has run away from home without notifying the minor's parent or guardian or a law enforcement officer; requiring the Department of Juvenile Justice and the Department of Children and Family Services to coordinate services provided to children who are locked out of the home and to the families of those children; requiring the departments to establish a joint work group to develop proposals for coordinating services and report to the Legislature; requiring the Department of Juvenile Justice to develop information that details the services and resources that are available for parents of troubled or runaway children; requiring school districts and law enforcement agencies to distribute the information; requiring the Department of Education to analyze data collection and assist school districts in identifying habitual truants; requiring the Department of Education to report to the Legislature on the implementation of programs designed to prevent truancy and make recommendations; requiring a specified State Attorney's Office to report to the Legislature on the feasibility of expanding the Truancy Intervention Program statewide; providing an effective date.

By the Committees on Ways and Means; Criminal Justice; and Senators Gutman and Crist—

CS for CS for SB 310—A bill to be entitled An act relating to criminal punishment; amending s. 825.103, F.S.; imposing a more severe penalty for the offense of exploiting an elderly person or disabled adult if the value of the property involved is less than a specified amount; amending s. 895.02, F.S.; redefining the term "racketeering activity" for purposes of the the Florida RICO Act to include the offense of abuse, neglect, or exploitation of an elderly person or disabled adult; 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. 921.0012, F.S., relating to the sentencing guidelines; revising a penalty to conform to changes made by the act; amending s. 947.1405, F.S.; clarifying legislative intent regarding sentences which are eligible for conditional release supervision; providing a legislative finding concerning offenders released from prison who meet conditional release criteria; requiring the Department of Corrections to provide intensive supervision; restricting caseloads of supervising officers; creating s. 948.12, F.S.; providing a legislative finding concerning offenders who are released from prison and who meet the enumerated criteria and have a term of probation to follow incarceration; requiring such offenders to be intensively supervised; restricting caseloads of supervising officers; providing an effective date.

By the Committee on Natural Resources and Senator Latvala—

CS for SB 484—A bill to be entitled An act relating to the lead-acid battery fee; amending ss. 403.717 and 403.7185, F.S.; specifying that the fee applies to new or remanufactured lead-acid batteries sold at retail; providing an effective date.

By the Committees on Children, Families and Seniors; Commerce and Economic Opportunities; and Senators Rossin, Campbell and Forman—

CS for CS for SB's 566 and 626—A bill to be entitled An act relating to the WAGES Program; amending s. 414.0252, F.S.; revising definitions; conforming terminology to reflect the reorganization of the Department of Health and Rehabilitative Services and the creation of the Department of Children and Family Services; amending s. 414.026, F.S.; revising membership of the WAGES Program State Board of Directors; deleting obsolete provisions; amending s. 414.027, F.S., relating to the WAGES Program statewide implementation plan; conforming terminology to reflect the redesignation of the Enterprise Florida Jobs and Education Partnership as the workforce development board; amending s. 414.028, F.S., relating to local WAGES coalitions; deleting a provision that allowed a member of a local coalition to benefit financially from transactions of the coalition under certain circumstances; requiring the local coalition to select an entity to administer the program and financial plan; amending s. 414.029, F.S.; specifying certain tax exemptions allowed to a business that provides jobs for program participants; amending s. 414.065, F.S., relating to work requirements; clarifying duties of the Department of Children and Family Services and the Department of Labor and Employment Security with respect to program implementation; specifying the age limit for qualifying to receive continuing support through a protective payee in circumstances involving a family member's repeated noncompliance with work requirements of the act; deleting obsolete provisions for implementing the program if the Federal Government failed to enact welfare-reform legislation; amending ss. 414.075, 414.085, 414.095, F.S., relating to resource and income eligibility standards and the determination of eligibility; clarifying certain requirements under which a person is eligible to participate in the WAGES Program; amending s. 414.105, F.S., relating to time limitations for receiving temporary cash assistance under the WAGES Program; deleting a future repeal of such provisions; amending s. 414.115, F.S.; clarifying circumstances under which assistance is limited if additional children are born to a family that receives temporary cash assistance; amending s. 414.122, F.S.; revising procedures for the department in withholding payments based on evidence of fraud; amending s. 414.125, F.S.; providing for sanctions to be imposed if a participant fails to attend a conference with a school official as required under the Learnfare Program; amending s. 414.15, F.S., relating to diversion assistance; clarifying provisions for determining eligibility; amending s. 414.16, F.S., relating to emergency assistance; correcting a cross-reference; amending s. 414.175, F.S., relating to the review of waivers granted by the Federal Government; clarifying provisions; amending s. 414.20, F.S.; clarifying the duties of the Department of Labor and Employment Security with respect to support services provided under the WAGES Program; amending ss. 414.21, 414.22, 414.23, 414.24, F.S., relating to transitional benefits, evaluations, and the integrated delivery of services; clarifying the duties of the Department of Labor and Employment Security; amending s. 414.25, F.S., relating to an exemption from requirements

for leasing real property; correcting provisions to reflect the creation of the Department of Children and Family Services; amending s. 414.27, F.S.; clarifying provisions for paying temporary cash assistance upon the death of the recipient; amending s. 414.28, F.S.; clarifying procedures for making a claim against the estate of a recipient of public assistance; amending s. 414.29, F.S.; providing that lists of persons who have received temporary cash assistance are a public record; amending s. 414.32, F.S.; clarifying provisions under which a person's food stamp allotment is reduced or terminated; amending s. 414.35, F.S., relating to emergency relief; clarifying provisions; amending s. 414.36, F.S.; clarifying requirements for the Department of Children and Family Services with respect to recovering overpayments of public assistance; amending s. 414.38, F.S.; clarifying duties of the department with respect to a pilot work experience and job training program for noncustodial parents; amending ss. 414.39, 414.40, F.S., relating to penalties for fraudulently obtaining public assistance and the Stop Inmate Fraud Program; revising provisions to reflect changes in terminology and the transfer of responsibility for persons receiving temporary cash assistance to the Department of Children and Family Services; amending s. 414.41, F.S., relating to the recovery of payments; requiring the Department of Children and Family Services to initiate an administrative disqualification hearing in certain instances; providing for a disqualification period; clarifying duties of the Agency for Health Care Administration with respect to collecting overpayments of Medicaid funds; amending s. 414.42, F.S.; revising provisions to reflect the responsibilities of the Department of Children and Family Services with respect to public assistance programs; amending ss. 414.44, 414.45, F.S.; authorizing the Department of Labor and Employment Security to collect data, make reports required under federal law, and adopt rules; amending s. 414.55, F.S.; requiring that the Governor take certain actions with respect to implementing a community work program; providing requirements for determining eligibility for individuals assigned to an ongoing evaluation; providing for the evaluation agreement to continue regardless of federal waivers; amending s. 402.313, F.S.; providing requirements for standards established for family day care homes that provide subsidized child care; providing an effective date.

By the Committee on Natural Resources and Senator Rossin—

CS for SB 680—A bill to be entitled An act relating to pollution control; creating s. 403.0882, F.S.; providing definitions; specifying conditions and limitations for the discharge of demineralization concentrate; specifying conditions for discharge of concentrate from small water utility businesses; limiting departmental regulation of such businesses; providing a permitting schedule for demineralization facilities; providing an effective date.

By the Committee on Community Affairs and Senator Brown-Waite—

CS for SB 964—A bill to be entitled An act relating to fuel taxes; amending ss. 336.021, 336.025, F.S.; amending the purposes for which the local option fuel tax on motor fuel and diesel fuel and the ninth-cent fuel tax on motor fuel and diesel fuel may be used; providing an effective date.

By the Committee on Community Affairs and Senator Williams—

CS for SB 1154—A bill to be entitled An act relating to growth management; amending s. 380.06, F.S.; revising statewide guidelines and standards and substantial deviations for developments of regional impact; amending s. 403.973, F.S.; providing for an expedited permitting process for economic development projects and comprehensive plan amendments; providing an effective date.

By the Committee on Natural Resources and Senators Latvala and Hargrett—

CS for SB's 1306 and 1934—A bill to be entitled An act relating to brownfields redevelopment; creating s. 376.77, F.S.; providing a short title; creating s. 376.78, F.S.; providing legislative intent; creating s. 376.79, F.S.; defining terms; creating s. 376.80, F.S.; providing for a

brownfield program administration process; creating s. 376.81, F.S.; providing for brownfield site contamination cleanup criteria; creating s. 376.82, F.S.; providing for eligibility criteria and liability protection; creating s. 376.83, F.S.; providing penalties; providing for pilot projects; providing appropriations; requiring the Department of Environmental Protection to report annually to the Legislature; providing an effective date.

By the Committee on Regulated Industries and Senator Horne—

CS for SB 1310—A bill to be entitled An act relating to firesafety; amending s. 633.511, F.S.; providing for the State Fire Marshal rather than the Governor to appoint members to the Florida Fire Safety Board; amending s. 633.537, F.S.; revising continuing education requirements with respect to certificates issued by the State Fire Marshal to certain contractors; providing an effective date.

By the Committee on Natural Resources and Senator Dyer—

CS for SB 1486—A bill to be entitled An act relating to Lake Apopka restoration; amending s. 373.461, F.S.; providing that interim phosphorus abatement measures apply unless certain conditions are met; providing that construction of certain stormwater facilities will be necessary unless certain conditions are met; providing for cost-sharing for the cost of certain facilities; limiting the price for acquisition of certain lands; providing for the deposit of proceeds from the sale of tangible personal property and for the use of such funds; providing for the establishment of Northwest Orange County Redevelopment Commission to develop a redevelopment plan for the impacted area; creating s. 290.0067, F.S.; providing for enterprise zone designation for certain communities impacted by Lake Apopka land acquisition; providing an appropriation; providing an effective date.

By the Committee on Children, Families and Seniors; and Senator Grant—

CS for SB 1520—A bill to be entitled An act relating to education; providing legislative intent; creating s. 232.2715, F.S.; requiring students in community control programs or commitment programs authorized by the Department of Juvenile Justice who have committed a felony to attend a public adult-education program or alternative or second chance schools if available; requiring disclosure of certain information if a student attends day school; amending s. 232.271, F.S.; relating to removal by teachers; allowing certain students under supervision by the Department of Juvenile Justice or the Department of Corrections to be removed from the classroom; amending s. 39.045, F.S.; relating to confidential information, to authorize disclosure to teachers; amending s. 948.03, F.S.; requiring a juvenile in community control program to attend a public adult education program or alternative or second-chance school if available unless an exception is made by the principal; requiring disclosure of certain information if a student attends day school; providing an effective date.

By the Committee on Regulated Industries and Senators Crist, Harris, Campbell, Thomas, Kirkpatrick, Bronson, Sullivan and Brown-Waite—

CS for SB 1726—A bill to be entitled An act relating to public accountancy; amending s. 473.309, F.S.; revising practice requirements for partnerships, corporations, and limited liability companies; providing that business entities are practicing public accounting if their employees are practicing public accounting; amending s. 473.319, F.S.; restricting the prohibition on contingency fees to certain public accounting services; amending s. 473.3205, F.S.; prohibiting licensees from accepting or paying commissions or referral fees in connection with the sale or referral of certain public accounting services; requiring written disclosure to clients relating to the acceptance of certain commissions; amending s. 473.323, F.S.; providing that failing to provide any required written disclosure to a client or the public is a ground for disciplinary action; providing penalties; amending s. 517.021, F.S.; revising an exemption

from the definition of investment adviser for certified public accountants; providing an effective date.

By the Committee on Commerce and Economic Opportunities; and Senator Myers—

CS for SB 1920—A bill to be entitled An act relating to corporations; amending s. 48.101, F.S.; providing for service on certain dissolved corporations; amending s. 607.032, F.S.; providing a condition for an agreement among shareholders of certain corporations; amending s. 607.1002, F.S.; providing a condition for amending articles of incorporation; defining the term “treasury shares”; amending s. 617.0808, F.S.; deleting provisions providing for the removal of directors of certain charitable organizations; amending s. 617.2103, F.S.; providing that such organizations are exempt from the provisions of s. 617.0808, F.S.; providing an effective date.

By the Committee on Commerce and Economic Opportunities; and Senator Forman—

CS for SB 1990—A bill to be entitled An act relating to explosive materials; requiring that the State Fire Marshal propose legislation to recommend to what extent explosive material manufactured or offered for sale in this state should be tagged for purposes of detection and identification; providing definitions; requiring the State Fire Marshal to consult with experts; requiring that the State Fire Marshal consider specified interests in proposing methods for tagging; requiring the State Fire Marshal to submit proposed legislation to the President of the Senate and the Speaker of the House of Representatives; providing an effective date.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 129, CS for HB 703, HB 1181 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Committee on Education Innovation and Representative Gay and others—

CS for HB 129—A bill to be entitled An act relating to investments in education; creating the Florida Education Technology Foundation for certain purposes; providing for a board of directors; providing for membership; providing for appointing members; providing for electing members; providing duties of the board; providing for creation of Florida’s Future Investment Funds for certain purposes; providing for investment of moneys in such funds; providing for donating certain revenues to the foundation; providing for contributing a portion of investment interest to the foundation for certain purposes; providing for a reduced intangibles tax rate on securities in Florida’s Future Investment Funds under certain circumstances; creating s. 212.0602, F.S.; exempting certain educational entities, institutions, or organizations from the sales and use tax under certain limited circumstances; providing an effective date.

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

By the Committee on Education/K-12 and Representative Constantine—

CS for HB 703—A bill to be entitled An act relating to school district personnel; amending s. 230.23, F.S., relating to powers and duties of district school boards; requiring the adoption of salary schedules based on performance assessments of instructional personnel; amending s.

230.33, F.S.; requiring superintendents to recommend salary schedules for instructional personnel based on performance assessments; requiring certain input; creating s. 231.2905, F.S.; creating the Florida School Recognition Program to provide financial awards to selected faculty and staff of identified schools; providing criteria for selection; amending s. 236.02, F.S., relating to participation in the Florida Education Finance Program; requiring expenditures for instructional personnel salaries based on performance assessments; providing an effective date.

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

By the Committee on Agriculture and Representative Bronson—

HB 1181—A bill to be entitled An act relating to fertilizers; amending s. 576.011, F.S.; defining “compost,” “investigational allowance,” “manipulated manure,” “manure,” “pelletized fertilizer,” “soil amendment,” “soil conditioner,” “soil additive,” and “unmanipulated animal and vegetable manure”; amending s. 576.021, F.S.; deleting registration requirements; amending s. 576.031, F.S.; deleting labeling requirements; amending s. 576.051, F.S.; authorizing the Department of Agriculture and Consumer Services to test fertilizers and collect fees for costs; amending s. 576.061, F.S.; establishing investigational allowances; providing for penalties and compensation for certain plant nutrient deficiencies; amending s. 576.071, F.S.; revising the method of determining commercial value; amending s. 576.091, F.S.; providing for the appointment of members and alternate members of the Fertilizer Technical Council; amending s. 576.101, F.S.; revising performance levels for licensees; amending s. 576.151, F.S.; providing standards for the distribution of certain fertilizers; amending s. 576.181, F.S.; revising the department’s authority relating to investigational allowances; repealing s. 19, ch. 92-143, Laws of Florida, relating to the repeal and review of ch. 576, F.S.; providing an effective date.

—was referred to the Committee on Agriculture.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of March 20 was corrected and approved.

CO-SPONSORS

Senators Brown-Waite—SB 1016; Casas—CS for SB 442, SB 1598; Clary—SB 304, SB 1558; Diaz-Balart—SB 1598; Dyer—CS for SB 442, CS for SB 858; Forman—CS for SB 442, SB 736; Grant—CS for SB 442; Harris—SB 1600; Holzendorf—CS for SB 442; Jenne—CS for SB 442; Jones—CS for SB 442; Kirkpatrick—CS for SB 858, SB 1540; Klein—CS for SB 442; Kurth—CS for SB 442; Lee—CS for SB’s 764 and 474, SB 1600; McKay—SB 906; Meadows—CS for SB 442, SB 546, SB 1044, SB 1410; Ostalkiewicz—SB 546; Silver—CS for SB 442; Sullivan—SB 546, SB 1552; Turner—SB 354, SB 546, CS for SB 1360; Williams—CS for SB 442

RECESS

On motion by Senator Bankhead, the Senate recessed at 12:01 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:30 a.m., Thursday, March 27.

SENATE PAGES

March 24-28

Maranda Almy, Sarasota; Marla Antunez, Miami; Carolyn Barringer, Lake Wales; Bayard Bavetta, Leesburg; David Bierly, Coral Springs; Kimberlee Hamilton, Clearwater; Traci Hanlon, St. Petersburg; Alan Christopher Jimal Henry, Winter Haven; Leslie Kane, Lakeland; Melissa Kuipers, Largo; Anthony (Tony) Moreland, Sarasota; Marc Rivera, Sunrise; Christopher Robinson, Palmetto; Scott Smothers, Apopka; Caitlin Louise Town, St. Augustine Beach; Michelle Utterback, Polk City; Jacob Wilson, Frostproof