



# Journal of the Senate

Number 16—Regular Session

Thursday, April 17, 1997

## CONTENTS OF TODAY'S JOURNAL

Bills on Third Reading . . . . . 510, 520  
 Call to Order . . . . . 504  
 Co-Sponsors . . . . . 531  
 Committee Substitutes, First Reading . . . . . 521  
 House Messages, Final Action . . . . . 531  
 House Messages, First Reading . . . . . 527  
 Messages From the Governor . . . . . 527  
 Motions . . . . . 510  
 Motions Relating to Committee Meetings . . . . . 510  
 Motions Relating to Committee Reference . . . . . 509  
 Recognition . . . . . 504, 508  
 Remarks . . . . . 504  
 Reports of Committees . . . . . 521  
 Resolutions . . . . . 509  
 Special Guests . . . . . 509  
 Special Order Calendar . . . . . 517  
 Special Presentation . . . . . 509

## CALL TO ORDER

The Senate was called to order by the President at 9:00 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 Bishop Frank C. Cummings, Presiding Bishop, 11th Episcopal District, Jacksonville:

O Thou, who is everywhere at the same time and knows everything, we extol you for your greatness. We bless your name forever and give you thanks for the opportunity to behold your beautiful kingdom. We acknowledge your presence in the world as we observe the mountains decorated with your roses and trees; and see the shining star of hope against the long night; and hear the birds in concert as they sing to announce your sunrise.

Mighty God, we adore you for placing people in leadership and setting the boundary of nations. We pray that you will give direction in the discussion among the elected leaders, as they work untiringly and harmoniously in charting a course for the people of this state. Be an enabler for this body to provide for every child to have an opportunity to get the best education possible, for every person who can work, to have an opportunity to work, and for health care to be available to all.

Creator and Sustainer, let righteousness enter every heart, let beauty be in every character, harmony in every home, order in this state, and let peace be in the world.

In your name we pray. Amen.

## PLEDGE

Senate Pages, Megan Berrigan of Tallahassee and Zach Kramer of Crawfordville, led the Senate in the pledge of allegiance to the flag of the United States of America.

## RECOGNITION OF FORMER PRESIDENT

The President introduced the following guests of Senator Scott: Janice, his wife; and Stacy, his daughter. The President invited Senator Scott and his wife to join her at the rostrum.

The following special guests were also introduced: Donald Renner, the artist; Shirley, his wife; Carol Venook and Gail Sanderson, his daughters; Dana Venook, Erin and Kate Sanderson, his granddaughters; and Lori Parrish, Commissioner of Broward County.

The President recognized the Speaker of the House of Representatives, Daniel Webster, and invited him to join her at the rostrum. Representatives Warner, Lippman, Tobin, Mackenzie, Sanderson and Andrews; Bob Crawford, Commissioner of Agriculture; and Ann Wainwright, former staff director of the Committee on Rules and Calendar, were also present in the chamber.

## MOTION

On motion by Senator Grant, the following remarks were ordered spread upon the Journal:

**Senator Thomas:** I consider it a real honor to stand and make a few brief remarks about Jim Scott. Jim likes to put a lot of distance between the time we arrived here and point out how long I've been here; but Jim came about the same time I did, or two years after I did and he hit the ground running.

I had known Jim back when he was a bright, young legislative aide. I probably have known him as long as anybody on this floor, other than maybe Senator Childers. Jim and Janice, and Frank and Stacy have certainly been an indelible part of the institution of the Florida Senate.

I called the rocky and stormy times that we went through on the service tax and other issues the transition years. Jim was always the guy you could depend on for guidance and counsel; be you a Democrat, Republican, or Independent. He's great to counsel with. I must say I don't think I have known many people that have truly cared for their colleagues in this body as he has.

Jim Scott comes from Kentucky. A very devout man, he has spent a lot of time in things other than government. I know that he spent a lot of time with his church, a lot of time with the children's programs of this state. I know that it's been Jim who, in strong turbulence would carry us through that turbulence. He's been recognized by his colleagues. There was a time when the body would take a secret ballot to recognize certain leadership qualities. In his freshman class, and it was a large class, he was the Outstanding Freshman. I thought that was pretty good because I had been the honoree the preceding year. He was the Most Outstanding and Effective in Debate. I was impressed because that was also a secret ballot. He was the Most Effective Member of the Senate. I think the only award that Senator Scott has never received, and probably never will, will be from the Tallahassee Chapter of the Florida Restaurant Association. I don't know why they don't like him because he's truly a wonderful, wonderful person.

I think of what Senator Dantzler said about a conversation he had with Curtis Peterson. He said that when you come to the Senate, you're going to meet some of the finest people in the world. I've always thought

he meant somebody like Jim Scott when he made that observation because Jim is, indeed, a most caring, sincere person. He gets nervous if he thinks he's hurt your feelings. He cares about every single person, including the staff.

He has followed me, been one step behind me, through the Commerce Committee, Rules Chairmanship, Appropriations process, and the Presidency and it looks like we're going to be wall-mates a long time. He'll be following me around that wall for a hundred years. So, isn't it a joy to have somebody that you will be that close to for a hundred years. Then we will go on to the Old Capitol, Jim, where we'll have more time together. I'm proud, I'm truly proud to have known Janice and Jim, and Frank and Stacy. The Senate, the State of Florida, mankind, humankind has been made better by their passage through here. Thank you, Madam President.

**President Jennings:** Thank you, Senator Thomas, well said. We have a visitor who has come from the other chamber to be with us. Speaker Webster, thank you for being with us. Would you like to come sit up here for a few minutes? Representative Warner came with him to guard him. Yesterday, the Speaker and I were walking down the hall together and we were by ourselves, and somebody looked over and said, "Do you need a guard?" The Broward bunch is starting to come in and is growing larger. Representative Lippman and Representative Tobin and Representative Mackenzie are here with us today. Senator Childers, did you have some thoughts about Senator Scott?

**Senator Childers:** I can't talk as long as Pat. He's got this gel on his hands and the microphone just stays stuck to it. I've served under a lot of Presidents, more than anyone in this chamber and there was never a more fair President than Jim Scott. I've served under more chairmen of committees than any other member in this chamber or the Legislature. There's never been a more fair chairperson of a committee than Jim Scott. There's never been a more honest person, more forthright person that I can ever remember. I changed parties during his administration and I caught hell from all angles. But, do you know that there supporting me was the President of the Senate, Jim Scott, and the Chairman of Rules, Toni Jennings. When it looked like everybody in the world was against me, those two people stood by me. Let me tell you, those two people will stand by you if you have a problem and you're having a difficult time. Jim has always been willing to help people, even though he disagreed with their philosophical persuasion. He's a fair man.

**President Jennings:** Thank you, Senator Childers. Senator Kirkpatrick, before we recognize you, I wanted to offer the courtesy to my counterpart in the House to say a couple of words from our rostrum. He was kind enough to let us visit his chamber and let me speak, so I'd like to do the same. I bet he has a couple of thoughts about Jim Scott. Mr. Speaker.

**Speaker Webster:** Do you have to suspend the rules here to do that?

**President Jennings:** Yes.

**Speaker Webster:** Probably should. Well, I will tell you it's been my privilege to have been mentored by Jim Scott. It just so happened that I became Republican Leader in the House when Jim Scott became the President of the Senate and he included me in everything that was going on, and I really appreciated that. Had he not done that, I think I would certainly be less than I am today. I think the real test of a person, the real test of a life, the real test of a man or woman is whether other people are affected and bettered by that person. I can tell you this, I believe my life, my political life and my personal life, have been bettered by knowing Jim Scott. I appreciate him and what he's done for me.

**President Jennings:** Thank you Speaker Webster. Thanks for being here, as well. Senator Kirkpatrick, some thoughts on Senator Scott?

**Senator Kirkpatrick:** I just wanted to say a few words about Senator Scott's leadership as President of the Senate. As most of you know, I'm sort of a workaholic in this process and from time to time, through the history of the 17 years I've been here, a lot of legislators were not allowed to try to innovate and create. The years that Senator Scott was President of this body, the thing I remember most about it is the fact that he allowed change to take place. In this system where we're attempting to try to do the business of the State of Florida as it changes, headed

toward the next millennium, Senator Scott was one of those tremendously effective leaders who recognized the vision of what is happening in this state and allowed us to make some changes and to push the envelope of change very strongly. He was very supportive of the things we attempted to do. He has always tried to create the best public policy that we could possibly create in this body. I think we owe Jim a great deal of gratitude and appreciation for his attempt to make this chamber much more effective in dealing with the tough mission that we have as we move toward the next century. I want to personally thank him. I also want to thank his wife, Janice, for the support that she's always given to this body. She's always had that beautiful smile no matter what the situation was. It meant a lot to me personally, Jim, and I know it meant a lot to the others of us that were not the top leaders, but the folks that are down in the trenches trying to do the work. We appreciate your support.

**President Jennings:** Thank you, Senator Kirkpatrick. We've had some more friends of Jim join us; Commissioner Bob Crawford and Ann Wainwright, it's nice to have you with us. For those of you who don't remember, when Bob was President, Jim was Bob's Rules Chairman and Ann was Jim's Staff Director. It was actually Ann that kept us on track. More of the Broward bunch is entering the chamber. Representative Sanderson and Representative Andrews have joined us. You're kind of the Palm Beach bunch, aren't you, Bill? Thanks to reapportionment, Jim goes everywhere. Senator Grant for a few words.

**Senator Grant:** Madam President, many of us can share experiences that we've had with Jim Scott here in the Senate. Having served here for eleven years, I have many remembrances of working with Jim Scott, most of them pleasant. Jim has been a great person to work with. I want to just share the first experience I had with Jim Scott, which was before I came to the Senate. It's the experience that I always think of when I think of Jim Scott and one reason why I'm so indebted to him and why I appreciate him so much.

I served for seven years in the House and when a vacancy occurred in the Senate eleven years ago, I made a decision to leave my House seat and run in a very difficult district for a Republican, to run for a Senate seat to succeed Senator Castor when she decided to run for Commissioner of Education. It was a tough race. All of us who have had tight races know how it gets about two weeks before the election. You're running out of money and you haven't gone all the places that you wanted to go, and you're down emotionally, and you're tired physically, and it just gets to be a rough time. You're saying, "Hey, win or lose, just get it over with." I'll never forget one of the days I got out of bed, and it was just kind of the low point of the campaign. I had just run out of gas. I didn't know how I was going to make it the next two weeks. I wasn't sure if I was going to lose; in fact, I was sure I was probably going to lose. Senator Jenne was over in my district, working hard to make sure that that happened. And I was just—

**Senator Jenne:** And it almost did.

**Senator Grant:** That's right. It almost did, but it didn't. I was just tying my tie early one morning, getting ready to go out for a full day of campaign activities. I had never met Jim Scott. I knew who he was, probably had shaken his hand but, to my knowledge, never had a conversation with him. The door bell rang. I went down to open the door and Jim Scott was standing on my doorstep. The first thing he asked me for was my pledge for him being President. I opened the door and here was Jim Scott. He said, "John, I don't know what you're doing today, but I'm here to do it with you. I just want to drive you around and encourage you and spend the day." Jim, you'll never know how much that meant to me and how it gave me the rejuvenation to go the extra laps and beat Senator Jenne. We went on to some great things. I just want to tell you, whenever I think of Jim Scott, I always picture opening my door that morning and seeing his smiling face and his saying, "I don't know what you're doing today, but I'm here to do it with you." Jim, I'll always appreciate your friendship and your leadership in the Florida Senate.

**President Jennings:** Senator Meadows, part of the Broward bunch, you are recognized.

**Senator Meadows:** Madam President, many of you don't know it, but Jim Scott was my Senator for about 15 or 16 years before I became a Senator myself. My most memorable experiences were when we were on the campaign trail in 1992. Jim and I went around together from different places, and we were on the campaign trail in Palm Beach and

Broward Counties. Most of you don't know that I had represented 22 municipalities. So Jim is on the east coast and I'm sort of in between him and between, I guess, Senator Jenne and Senator Myers meeting me on the north end. So, we sort of run together back and forth. Senator Klein is to the west as well. But Senator Scott and I grew to be pretty good friends on the campaign trail. His wife was there. My wife and his wife would share war stories of how they have to go with us on the campaign trail throughout the entire time. I just want to stand and say to some of the friends up in the gallery up there and others that shared some of the evenings together with Jim Scott, his wife, and my wife that, Jim, I'm not going to shoot pool with you anytime soon until you get on the same side when I'm breaking the balls, okay?

**President Jennings:** That sounds like an inside story there. Thank you, Senator Meadows. We appreciate it. I'll come back around. Another member of the Broward bunch, Senator Forman.

**Senator Forman:** Madam President, in deference to age, not beauty, and seniority, I'm going to yield just a moment to my very dear colleague in the House, Representative Jack Tobin.

**Representative Tobin:** Madam President, will this be an appropriate time to announce that I'm running against Senator Scott? No, I don't think so.

It's just a pleasure to be here and join the Senate in honoring a distinguished member of our delegation.

**Senator Forman:** Madam President, I'm learning new things every day, even though I've been here nine years, but I just want to say a few things about Jim Scott, and Janice Scott, too.

Jim Scott was elected to the Senate the same day I was elected to the Broward County Commission. I think it was November 5, 1976. It was the same day that Jimmy Carter was elected President. So I'm going back just a little bit in time. I first met Jim Scott on the campaign trail that day. He was running for the Senate in that old district that stretched from Ft. Lauderdale over to Naples. I ran countywide for the County Commission and we both won on election day. We are of different parties. We both had a very nice victory.

To me, he was kind of a younger southern gentleman. He's evolved into more of a middle-aged southern gentleman. Jim and I don't always agree on every issue, but he handles himself with dignity on every issue before him and he treats everyone with respect. His door is always open and he's a reasonable guy. He always knows that a compromise isn't necessarily the place that is midpoint between two sides of an argument. He tries to look for the fair and just solution to the problem.

Now let me tell you something about Janice. One time when Jim was running for reelection in the Senate, my wife and I were watching TV and there was Janice Scott on TV. I said, "Susan, what's Janice doing on there?" It was a political ad for Jim Scott so my wife said, "He ought to use Janice for everything." Janice is a lovely, gracious lady. She is a great hostess, a great mother, and she's always at Jim's side. She is an inspiration to us all. Jim, I'm proud to call you my friend.

**Senator Crist:** Madam President, I rise to speak about this great friend, Jim Scott and his lovely wife, Janice. When you think of Jim Scott, you think of a guy who's pretty low-key; and generally, he is. But I can tell you there is a fire that burns within him that is hard to measure. Whatever he believes in, he believes in fervently and he fights for it very, very hard. I'm just proud to have served under you while you were our President, Jim. It was an honor to do so. You are a great Senator, you were a great President, but most of all, you are a gentleman and a dear friend. The word that also comes to mind when I think of Jim Scott is loyalty. Certain principles that stand out—integrity, honesty and loyalty—all apply to you, my friend. Thank you.

**Senator Diaz-Balart:** Madam President, it's a great honor to be able to speak about someone whom I consider a great friend and also a great leader. If we think of what President Scott's legacy is, it's rather extensive. He once had in his office a sign that read, "We always do things this way." The sign had a slash over it because he wanted to do things differently; and do things differently, he did.

I'll never forget a very specific agenda which he spoke about here on the floor of the Senate. He had it in writing and he allowed everybody to see it. One item was, he was going to make Florida a safer place. All

the experts, Jim, said it was not possible. We couldn't afford it. I was honored by you by being your chairman of Ways and Means. I remember from time to time, I'd go see you and, you know, finances were tight in those days and you would always say, "We cannot afford to not get it done." How much does it cost the people of Florida to have a situation where people are serving a 30 percent average of sentence time in prison? You thought it was unacceptable and you led us through that process, despite what many of the experts said, and despite what many of the leaders in this state said. You made it possible, and yes, you did so without raising taxes. But you also said that education was going to be a priority and that we're going to make it not only a priority to fund education, as you well did, but also that we were going to start a serious process of reform. That process continues and I think it swept not only the Legislature, it's sweeping the state. I think a great deal of that is owed to your leadership, Senator Scott.

Economic development was one of those priorities that you mentioned and you said that people had to be educated, but they also had to find jobs later. All of that you said could be done without raising taxes. I think a lot of people, Senator Scott, thought that you were crazy, that you were going to fail, that you were going to be a miserable failure, because you were too ambitious. You were trying to do too much and it could not be done, at least not without raising taxes. Well, you got it done.

What a legacy, Senator Scott, you've left all of us and the people of the State of Florida. When I think of Senator Scott, I think of those moments when things were tough and when all the editorials were blasting us for not raising taxes and everything else. I tell you, it was so great to be able to go to see the President and rely on his courage, on his leadership, on his strength, on his love for the people of the State of Florida, on his love for Janice, and his love for this institution. Senator Scott, all of us are greatly indebted to you for your leadership, for your courage. We are grateful. For me, it has been a great honor to serve with you, my friend. Thank you.

**Senator Beard:** Madam President, I think it's super nice of you to give him a trial before the hanging. Mary Ellen and I have known Jim and Janice for some eighteen years and I can tell you they are some of the nicest people we've ever known. We are very proud to call you our friends. Jim is someone, whether you are counseling with or confiding in, you always feel so comfortable. He makes you feel comfortable. I served under him when he was President and I just appreciate him so much. I asked him this morning, "Did Janice have anything to do with selecting the artist to paint the portrait?" He said, "Well, she had a little to do with it." I said, "Listen, that lady never has a little to do with anything."

The other day I was walking down the beach and a bottle came ashore there on the beach. I picked it up and it had a cork in it. I like to pull corks out of bottles, so I pulled it out and a little genie came out and the genie said, "Mister, I'm so glad you let me out of this bottle. I've been there so long. Anything you want, one wish you can have." I said, "I know exactly what I want. I want peace in this world. I want peace in Bosnia. I want peace in the Holy Land. Just a minute, let me show you a map. This is what I want you to do." She said, "Wait a minute—I can do anything, but you are asking a lot. Isn't there something else that you would just as soon have?" I said, "Well, as matter of fact, there is. I understand they are painting a portrait of Jim Scott and I want him to come out looking like a statesman. I want him to be handsome." She said, "Wait a minute. You mind if I take another look at that map?" Jim, you are going to make a handsome addition to the portraits up there with all the people who preceded you in the Senate. We are real proud of you. I will remain your friend forever. Thank you very much.

**Senator Silver:** Madam President, I am very privileged to speak today about my good friends, Jim and Janice Scott. We don't know what is under that red drape over there, but I would hope for the people of Florida's sake—and for our sake in the chamber—that it is a picture of Janice rather than of Jim. I know Jim agrees with that, too.

I just want to say that of all the tributes that have been paid to him today—and I agree with all these fine attributes—one that has not been mentioned, which I think really describes Jim Scott, is his dedication to his constituency back home. He puts his constituency ahead of his party and all other matters. He always has, and I know this personally, because of the tough work in condominiums that we've had to endure and the condominium groups that he has represented. He has always put those groups far ahead of anything else. I think that is what we are all

about here, and what we should be about, and Jim exemplifies that, I think, better than any person here. So I pay tribute to you. I am proud to call you my friend, and you too, Janice.

I wanted to say one other thing. Jim's greatest moment, I think, as a father, was when his daughter and I entered into a debate one time. She just knocked me out in that debate. He was so very proud of that—more so than he could do. Thank you very much, Madam President.

**Senator Sullivan:** Madam President, on behalf of the doctors in the Senate I would like to give credit to Jim for having done more to control the weight of the Senate than most people here.

I would like to say that as a young member of the Senate, and I can still consider myself one of the rookies, that when you arrive in this body there are certain people that catch your eye. They have a breadth of knowledge, a sense of policy and a sense of direction that others don't have. You begin to watch those people. Jim Scott was one of those people that I chose to watch because, to me, Jim excelled in not only the mechanical process of getting legislation through, but he had that vision and that scope—the broad scope of government—that few other people did. He was kind enough during all of his activities as President to take the time to always stop and talk to me about strategy, about policy, about the way that this organization runs.

There are the rules, but we know that there's a magic about this that makes it run, and there are very few people that have that insight into that magic. Jim, I wanted to say that in all the years I've been here, one of the people I have watched the closest was you because of your knowledge of this, the touch that you have and the strategy and vision you have. I'm proud, and I hope this is a tradition that comes in the future because with term limits, we're going to need this. The Senate needs to develop the tradition of teaching the newer members. We all need to take time to stop and teach them. Jim, I consider you one of the people who is best at teaching newer members. I'm proud to have known you. I'm very proud to have learned from you and perhaps I should address you as "teacher." Thank you very much.

**Senator Campbell:** I know I'm a freshman, but Senator Scott and I have had the luxury, and I've really enjoyed it, of flying back and forth to our district over the weekends for the last couple of weeks and from all standpoints, Jim Scott is a statesman. We talk a lot in the plane about Florida. One of the things you have to understand is that Jim Scott has told me that for the twenty years he has been in the Senate he has taken the responsibility, and he considers it a privilege, of trying to make the next generation have what we all want them to have—a good education and good health care. These are not partisan issues; Jim's a Republican, I'm a Democrat. Jim, one thing that you have done for me is inspired me, and I want to thank you as a mentor because these are nonpartisan issues. We learn from Jim Scott to be a statesman; and not to worry about the next election but to worry about our next generation. That's what he is, he is a statesman. I thank you.

**Senator Hargrett:** Madam President and Senators, a lot has been said but not everybody has said it. I've been here since 1992, and in the Legislature going on 15 years, and having interacted with Senator Scott, having a chance to do business—I come from a business background—I've found that doing the public's business with Senator Scott has been a rare privilege. He is one of the most principled persons that I've ever had the pleasure of conducting the people's business with. He deals with it from a point of integrity. You know that when you shake hands, or when he gives his word, you can take it to the bank. Being a former banker, I just appreciate the integrity that he's brought to this process. Thank you, Senator Scott, for all you've done for the people of Florida.

**Senator McKay:** Madam President, all of us in this process from time to time have our differences and certainly Senator Scott and I are not any different. So, when I came in this morning he asked me if I was going to stand up and say anything good about him. I told him I'd say that "you have a good golf swing." But, Senators, I think we're bound in this body by honesty and integrity and I can't lie to you. He doesn't have a good golf swing. In fact, Janice's is much better.

Senator Scott, I would like to tell you that you have led us, during the two years of your administration, with a goal in mind and with focus on that goal, and determination. You were undeterred. There were those of us that questioned it from time to time, but the proof of the pudding was when we arrived at that goal and we were all proud of it. I was proud

to be a member of your leadership team and I thank you for that opportunity.

I first met Senator Scott in 1990, when the Republicans were celebrating his nomination as the next President. It was an event that was pretty impressive to a candidate. It was unfortunate that he did not succeed in that attempt at the Presidency, because the Republicans did not take a majority at that time. I've read over the past few months that the measure of a person is whether they don't give up. You lose when you give up, when you fail to get off the ground. Senator Scott, I would like to congratulate you for not giving up, for continuing in your effort to achieve your goal of leading the State of Florida as the President of the Senate. I thank you for that, as well as congratulate you, because if you had not had that determination, we would not be at this point today.

**Senator Bankhead:** We've heard from the bankers and from the physicians. I guess from the perspective of the railroaders, I want to thank you for keeping the train on the track and keeping our focus. I think that there are many distractions in this process, as has been mentioned, but I think it's worth mentioning again that there are many, many opportunities to get off on the wrong track; there are many opportunities to lose sight of the ultimate goals which you really want to accomplish. I think that you've helped us all to keep the ultimate goals in mind and to focus on the long term and not the momentary distractions of the short term.

Further, I would tell you that each of us in some way has had some personal experiences with Jim and Janice Scott. We've had many occasions to be together and we've been at their home a number of times. Thank you for purchasing a very nice place here that we could join you in—on behalf of all of us, that was very thoughtful of you. In one way or another you've had a great impact on each of us. I want to thank you both. Those are lessons, or memories, that we will carry with us for a long, long time and I do appreciate your service, Jim; and your contribution and sacrifice, Janice. Thank you.

**Senator Jenne:** Jim, as the opposition leader to you, sometimes we were on the same side, sometimes we were not. But you were always on the same page in Florida—trying to make it a better, stronger place. It's very difficult sometimes in a community to always agree or disagree with the President of the Senate when you are in the opposition.

People always talk about Broward County and how it exists. Why it exists is that there are people like Jim Scott who realize that party or geographic location in a particular community does not matter; but rather, that you work for a community. I think that as people talk about this state, this nation and now this body, the thing that I remember about Jim Scott is that he loves his community. He helped his community to grow and he made it a better place for all of us in Broward County.

I appreciate what you did in this chamber. I think that all of us from the Broward Delegation say "thank you" for making our community a much better place. Thank you and God bless you.

**Senator Clary:** I particularly enjoy being here as a freshman and experiencing this moment with all of you to recognize Jim and his family. There have been comments from people who have known him for 4 years or 7 years, 11, 15, and 18 years. I have had an opportunity to know him for 22 weeks. In that short time, I think we have become very good friends.

I am proud for Jim and his family to share in this time of recognition. From one low-key Senator to another, I want to say that I appreciate this moment for you. Thank you.

**President Jennings:** Representative Lippman, you are recognized.

**Representative Lippman:** Members of the Senate, a lot of you have said you have known Jim Scott from 22 weeks to 20 years. Senator Scott and Janice, and my wife and I have been friends since the late 60s. We were taught well, as was Senator Jenne and Attorney General Butterworth. We all come from the same crucible of politics.

The important thing for you to understand is how much we cherish the good work that Senator Scott has given to us—not as a Senator, not as the President of the Senate, but as a friend and a citizen of Broward County.

Janice and Jim and Judy and I have had the opportunity to laugh and to cry. One of the significant things that I have always heard is that when you meet a person, don't measure them by their smile; measure them by their tears. I can tell you that there is tremendous love that comes from Jim Scott and Janice Scott. I also can tell you that the people of Broward County are very, very proud of the fact that we have Jim Scott's portrait, soon to be hung in this chamber, as the first one of a Broward Countian; but more importantly as a son of Broward County.

Senator Scott, my friend, I am here to honor you. Janice, congratulations.

**President Jennings:** I would now like to recognize Jim and Janice's daughter, Stacy.

**Stacy Scott:** You do not know how proud it makes me to hear all of you speak of my father using such words as integrity, character, and all the things that he represents to me. He has supported me in all of my life. I wouldn't be here, in the place that I'm in without him and my mom. I wanted to say that I'm so proud to be here. I'm so proud that all of you, who are also wonderful people of great character, can say such great things about my father, things that I know are true. I know he brags on me all of the time. He brags to all of you, probably too much, and he doesn't hear me brag about him. I do. When people talk about politicians in not-so-nice ways, I say, "I know of many, and I especially know of one, who are honest people who care about the state. People who are trying to do their best to make this a better place."

Congratulations, Dad. I am so proud of you.

**President Jennings:** Stacy, you don't get to talk any more. Stacy and Frank have grown up with us. It is wonderful when you look at your friends' children and know what a wonderful life they have ahead and the contributions that they have made. Stacy is with the State's Attorney Office in Alachua County and doing a great job. It is wonderful to have her here. Frank is all the way across the country and could not be here today.

We said so many nice things about Senator Scott. I really had hopes that we would have a little levity here as we went along. I have to share with you that last evening Senator Thomas was making a recommendation after he talked about that hundred years of you following him around the wall. He recommended that we start out with your picture over there. They had already moved them when I got here this morning, so it didn't work.

We are at the fun part. This has all been fun, but this is the really fun part; the presentation of gifts to Janice and Jim.

The President presented gifts to Senator Scott and Janice on behalf of the members of the Senate.

**Mrs. Janice Scott:** Thank you very much. You really didn't have to do this, but I'm so glad you did. This is really a beautiful gold medallion; I want all of you to see it. It will always remind me of all the good times and all the good friends we've made over the years, and I thank you very much. Stacy, I love you.

**President Jennings:** As many of you know, Jim and Janice are big water sports enthusiasts. Their home in Broward County is on the water, as many homes are. I went with Jim and Janice once on this boat ride. We went up and down the Intracoastal Waterway. We saw all these lovely houses and great big boats. We got to Jim and Janice's and their boat was there. It wasn't as big as some of those other boats I saw, but I understand that they have acquired a new boat.

In looking for a present for President Scott, we had the suggestion that something for the boat might be in order. Senator Scott, I will let you open it and then I'll tell the rest of you what it is. You know that Janice and I were in cahoots.

Now that we are so computer literate in the Florida Senate, and Senator Scott will remind us that he brought it to us, this is a Lowrance Global Map 2000. It has the most advanced combination of sonar and GPS features available. Does anybody know what that is? It includes a map link cartridge that allows you to use highly detailed IMS smart maps and IMS world maps. Where are you going in this boat? Along with, now we know, the advanced fish and depth symbols. I guess it's a fish finder. It sounds complicated, but Janice swears that this is what

they both needed—so Janice would know where Jim was at all times. We understand it will be a great addition to your new boat. We hope both of you enjoy it. Some of us that have been here awhile have seen the most interesting group of presents for Presidents. We have seen dogs, trips, luggage, bird houses, all kinds of things. I am here to tell you that this is the first time we have seen a global map and fish finder. Senator Scott will you share a few words with the body.

**Senator Scott:** I just love this kind of talk. It is going to be a little hard to be my humble self that all of you know I am. I want to thank everyone.

I want to start with President Jennings. I want to thank you for this time; for taking this time to honor me and my family. Time is what you learn to appreciate, especially when you talk about how fast twenty years go by. I want to especially thank Janice. Thirty-one years we've been married, and some of you may not know that I'm not always perfect; I appreciate her sticking with me. Stacy, I'm not saying much about you because I'll start needing Kleenex again, but it was so nice of you to be here today. I really thought Senator Clary was low-key until he came out with the Darth Vader mask on yesterday. Thank you, Senator Beard and Mary Ellen for being here today, for being our friends for so long. Someone said about me, that you could take it to the bank; well Malcolm Beard could tell you something and six years later, you might go back and say, "Now, Malcolm, I'm thinking about running for President, again." He would say, "I told you I committed to you six years ago." That's the wonderful kind of guy he is, a tower of strength and big shoes. We have a great young Senator who has taken his place.

Thank you, each one of you, for all the nice things that you've said; for all the support. I know there were some jokes made here, about a couple of programs. They were actually Senator Jennings' idea, but I took the rap for her, out of concern for our institution and for sticking with me on some tough issues. Some of them were mentioned, like welfare reform. She was a loyal colleague and trooper. The summer after the 1995 session, I was out West and the Governor was threatening Special Session. I called Senator Jennings and said, "I want to create this committee on Social Services Reform—Welfare Reform." She said, "Oh, that's a great idea." I said, "Well, you really like that idea?" She said, "Yes." I said, "Good, I want you to be the Chairman." She said, "I don't know if this is such a good idea after all."

Without the friendship and the great members of the Senate, without having a team and members who are just so great and so dedicated, even when sometimes they didn't particularly agree with the program, no one can be a leader. It has been a great experience. Thanks to my Broward County colleagues, and to Bob Crawford and Ann Wainwright.

The staff here, from the Secretary's Office on down, Ways and Means, all of them; we have the best staff in the nation. In all of my years here, they have always been so devoted, especially during the years when I have been either Chairman of Ways and Means or as President. It has just been tremendous. They really make the place run and they never get enough credit. The way it works is, if it turns out good, I get the credit; if it turns out bad, it's the staff's fault.

I think it is a tremendous institution. I've said this before, but I'm so happy that my long-time friend, Toni Jennings, is President. I guess we're going to be "wall-mates", too. A hundred years or more, Senator Thomas. I'm honored by all of your friendships. If there is anything I can do to repay your loyalty, friendship and support, to each of you, my colleagues, call on me anytime. Thank you so much for this GPS, sometimes you really do forget where you are and GPS is the global positioning system. It will tell you within three feet of where you are. This one especially, with the maps, will keep us from getting lost on my boat. It's not exactly a yacht—it's a twenty-three foot boat. If we go to the Bahamas, we won't get lost. Senator Jenne, the Democratic Leader, thank you for your comments. We've worked together for a long time, as Representative Lippman pointed out, thank you. Again, a special thanks to you, President Jennings, for this time. To you all, thank you. Thank you.

#### UNVEILING OF PORTRAIT

The official portrait of Senator Scott was unveiled by the Secretary and the Sergeant at Arms and presented to the Senate.

**President Jennings:** Don Renner, the artist, attended the Chicago Academy of Fine Arts. He studied with professional portrait painters and studied to be a professional portrait painter. He has completed many

portraits. Jim told us that Don has painted many movie stars. Now he has painted Jim. You have to be of a certain vintage to know these movie stars: William Bendix, Robert Wagner (Jim especially liked that one, he thought there was a similarity there), James MacArthur, Mary Frann, Dan Dailey, Maureen O'Sullivan, Howard Duff, Michael Rennie, Edward Everette Horton and Virginia Graham, if you remember who she is.

Mr. Renner's most recent distinctions include having three portraits hanging at Camp Blanding Museum; 32 paintings on the ceiling of the Parker Playhouse in Ft. Lauderdale, and completion of a number of paintings for the Seminole Tribe, some of which are hanging in the tribal headquarters in Hollywood, Florida.

Having looked at lots of portraits, Jim, it looks just like you. Jim told us all along that his was going to be a little bit different. We had great anticipation and Mr. Renner, thank you very much for depicting our President in such a life-like way.

True to form, I forgot a present. Jim, you want to come back up here? I was so anxious to see what this picture looked like. Speaking of pictures, we have one more. It's the Florida Senate during the time of Senator Scott's presidency with all of our names there. Just in case he ever forgets us.

**Senator Scott:** Thank you once again. I forgot to mention that Don Renner, the artist, is from Plantation. I'm not sure if he is in my district or in Senator Jenne's district, but I really think the portrait is great, Don. His grandchildren are here and one of them came in this morning. As soon as she saw me, she said, "I've seen your picture." I said, "Well, you're one up on me." Senator Crawford, you're recognized for something nice, I hope.

**Commissioner Crawford:** Thank you, former President and Madam President. I didn't want to get in on all that spreading earlier. Now that I see the portrait, I've got to tell you a little story. About three or four months ago, I knew Jim was having the portrait painted. I told him, they say there's a tradition that if you slip the portrait artist an extra five hundred bucks, he will take ten years off the picture. Of course, Senator Scott in his very humble way, and we all know how humble he is, said, "Well, actually, I did slip him five hundred dollars because I am embarrassed that the other Presidents looked so old. I wanted to add ten years to my portrait." But, as we can now see, Senator Scott, the five hundred dollars was well spent.

**Senator Holzendorf:** Madam President, prior to Senator Scott being President of the Senate, he was Appropriations Chairman when I chaired the Florida Conference of Black State Elected Officials. This was when the House was Democratic, the Senate was tied, and then the Senate became Republican. Senator Scott proved to be as good a colleague as any person on the other side of the hall. I do share in all those compliments that everyone made to him.

## SPECIAL PRESENTATION

The President announced the birth of Regan Carey Lee, born April 15, 1997, daughter of Senator Tom Lee and Amy, his wife.

Upon request of the President, Senator Lee joined her at the rostrum where she presented him with gifts on behalf of the members of the Senate and her staff.

## ADOPTION OF RESOLUTIONS

On motion by Senator Holzendorf—

By Senator Holzendorf—

**SR 982**—A resolution honoring the Jacksonville Jaguars football team.

WHEREAS, in Chicago, Illinois, at 4:12 p.m., Eastern Time, on November 30, 1993, Jacksonville, Florida, was awarded the 30th franchise in the National Football League, and

WHEREAS, since September 3, 1995, when the Jacksonville Jaguars played their inaugural game in the Jacksonville Municipal Stadium

against the Houston Oilers, Jacksonville has become passionate with Jaguars fever, boasting the greatest football fans in the nation, and

WHEREAS, in the 1996 regular season, the Jacksonville Jaguars ranked second in the NFL in offense, and

WHEREAS, the Jacksonville Jaguars became the NFL's first second-year team ever to win two playoff games, scoring 60 points, the most points scored by any NFL team in its first two postseason games, and

WHEREAS, the Jaguars became the first team ever to beat the Buffalo Bills at Rich Stadium in the playoffs and only the second team to defeat the Denver Broncos at Mile High Stadium in the playoffs, and

WHEREAS, advancing to the AFC Championship game and ending its second season just one game short of the Super Bowl, the Jacksonville Jaguars have become one of the elite teams in the NFL, and

WHEREAS, the Jaguars Foundation has led the NFL in community efforts, including grantmaking, the Playbooks reading program, its youth anti-smoking initiative, the "Straight Talk" effort to reduce teen pregnancy, holiday food drives, and the unique Honor Rows Program that uses seats as incentives for youth to earn their way to home games, and

WHEREAS, the Jaguars Foundation programs have been nationally recognized in The New York Times, Osgood File radio show, and "Grantmakers in Health" and have received the Governor's Community Investment Award and WTLV Channel 12 "Top of the Class" Award, NOW, THEREFORE,

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

That the Florida Senate recognizes and congratulates the Jacksonville Jaguars on the team's impressive accomplishments during its first two years of competition in the National Football League.

—was introduced out of order and read by title. On motion by Senator Holzendorf, **SR 982** was read the second time in full and adopted.

## SPECIAL GUESTS

Senator Holzendorf introduced the following guests who were present in the chamber: Don Connor, Vice President of the Jacksonville Jaguars Football Team and Jacksonville Mayor John Delaney.

Upon request of the President, Senators Holzendorf, Horne and Bankhead escorted the guests to the rostrum where they were presented a copy of the resolution.

## MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Bankhead, by two-thirds vote **CS for SB 998** was withdrawn from the Committee on Judiciary; **CS for SB 806** was withdrawn from the Committee on Transportation; and **SB 1742** was withdrawn from the Committees on Regulated Industries; Judiciary; and Ways and Means; and referred to the Committees on Criminal Justice; Regulated Industries; and Ways and Means.

On motion by Senator Kirkpatrick, by two-thirds vote **SB 1426, SJR 1730, SB 1736, SB 78** and **SB 2140** were withdrawn from the committees of reference and further consideration.

On motion by Senator Sullivan, by two-thirds vote **CS for CS for SB 248, SB 676, CS for SB 756, SB 776, SB 874, SB 1016, SB 1060, SB 1158, CS for SB 1248, SB 1304, CS for SB 1346, CS for SB 1822, CS for SB 1930, CS for SB 2048, SB 2248** and **SB 2282** were withdrawn from the Committee on Ways and Means.

On motion by Senator Turner, by two-thirds vote **SB 1352, SB 1356, SB 1910, SB 1912, SB 2264** and **SB 2348** were withdrawn from the committees of reference and further consideration.

On motion by Senator Bankhead, by two-thirds vote **CS for SB 1958** was withdrawn from the Committee on Commerce and Economic Opportunities; and **SB 1438** and **CS for SB 1568** were withdrawn from the Committee on Community Affairs.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Bankhead, the rules were waived and the Committee on Criminal Justice was granted permission to add SB 1742 to the agenda at the meeting on April 18.

On motion by Senator Bankhead, the rules were waived and the Committee on Judiciary was granted permission to meet April 23 from 1:00 p.m. until 2:00 p.m.

On motion by Senator Bankhead, the rules were waived and the Special Order Subcommittee of the Committee on Rules and Calendar was granted permission to meet April 23 at 9:30 a.m. to establish the Special Order Calendar for Thursday, April 24.

MOTIONS

On motion by Senator Bankhead, a deadline of 5:00 p.m. Wednesday, April 23, was set for filing amendments to Bills on Third Reading to be considered Thursday, April 24.

CONSIDERATION OF BILLS ON THIRD READING

CS for HB 411—A bill to be entitled An act relating to automatic external defibrillators; providing legislative intent that automatic external defibrillators may be used by any person; requiring persons to obtain training and to activate the emergency medical services system upon use of a defibrillator; encouraging certain persons and entities to register a defibrillator; repealing s. 401.291, F.S., relating to automatic external defibrillators; amending s. 768.13, F.S.; providing immunity from liability for certain persons; providing an effective date.

—was read the third time by title.

On motions by Senator Clary, CS for HB 411 was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—40

Table with 4 columns: 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

Nays—None

SB 358—A bill to be entitled An act relating to community health purchasing alliances; amending s. 408.702, F.S.; providing immunity from liability for members of the board of directors of a community health purchasing alliance, and its employees and agents, in the performance of the board's duties; correcting a cross-reference; amending s. 408.703, F.S.; providing that a small employer member of an alliance remains eligible for coverage for a specified period following an expansion of business; repealing s. 408.705, F.S., relating to the boards of directors of community health purchasing alliances; providing an effective date.

—as amended April 16 was read the third time by title.

On motions by Senator Brown-Waite, SB 358 as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Table with 4 columns: Madam President, Brown-Waite, Casas, Cowin, Bankhead, Burt, Childers, Crist, Bronson, Campbell, Clary, Dantzler

Table with 4 columns: Diaz-Balart, Holzendorf, Latvala, Scott, Dudley, Horne, Lee, Silver, Forman, Jenne, McKay, Sullivan, Grant, Jones, Meadows, Thomas, Gutman, Kirkpatrick, Myers, Turner, Hargrett, Klein, Ostalkiewicz, Williams, Harris, Kurth, Rossin

Nays—None

Vote after roll call:

Yea—Dyer

CS for SB 968—A bill to be entitled An act relating to prepaid limited health service organizations; creating s. 636.0155, F.S.; requiring prepaid limited health services organizations' contracts and materials to include specified disclosures; amending s. 636.016, F.S.; requiring such organizations to provide certain disclosures to prospective enrollees; amending s. 636.035, F.S.; requiring certain provider contracts to contain termination notice provisions; providing exceptions; providing that certain contracts are unenforceable; prohibiting certain provisions from being included in contracts; creating s. 636.0145, F.S.; providing that certain Medicaid providers operating under a federal waiver may be licensed under chapter 636, F.S.; exempting from certain regulatory requirements those prepaid limited health services organizations that serve only Medicaid clients; providing an effective date.

—as amended April 16 was read the third time by title.

On motions by Senator Rossin, CS for SB 968 as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Table with 4 columns: Madam President, Crist, Horne, Myers, Bankhead, Dantzler, Jenne, Ostalkiewicz, Bronson, Diaz-Balart, Jones, Rossin, Brown-Waite, Dudley, Kirkpatrick, Scott, Burt, Forman, Klein, Silver, Campbell, Grant, Kurth, Sullivan, Casas, Gutman, Latvala, Thomas, Childers, Hargrett, Lee, Turner, Clary, Harris, McKay, Williams, Cowin, Holzendorf, Meadows

Nays—None

Vote after roll call:

Yea—Dyer

SB 244—A bill to be entitled An act relating to managed care; amending s. 627.6472, F.S.; requiring exclusive provider organizations to provide direct patient access to a dermatologist under contract with the organization and to develop criteria for compliance; providing a definition; amending s. 641.31, F.S.; requiring health maintenance organizations to provide direct patient access to a dermatologist under contract with the organization and to develop criteria for compliance; providing a definition; providing an effective date.

—as amended April 16 was read the third time by title.

On motions by Senator Myers, SB 244 as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—28

Table with 4 columns: Madam President, Campbell, Diaz-Balart, Holzendorf, Bankhead, Casas, Dudley, Kirkpatrick, Bronson, Childers, Grant, Klein, Brown-Waite, Clary, Hargrett, Latvala, Burt, Cowin, Harris, Lee

Meadows	Ostalkiewicz	Silver	Thomas
Myers	Scott	Sullivan	Williams

Ostalkiewicz	Scott	Sullivan	Turner
Rossin	Silver	Thomas	Williams

Nays—11

Nays—None

Crist	Forman	Jenne	Rossin
Dantzler	Gutman	Jones	Turner
Dyer	Horne	Kurth	

Consideration of **SB 656** was deferred.

Vote after roll call:

Yea—McKay

Consideration of **CS for SB 266** and **CS for SB 1014** was deferred.

**CS for SB 1282**—A bill to be entitled An act relating to imposition of adult sanctions upon children; amending s. 39.059, F.S., relating to community control or commitment of children prosecuted as adults; providing for the court to commit the child to the Department of Juvenile Justice for a treatment program until the child is age 21 or sooner if discharged by the department; removing a provision relating to court-ordered-plan of community control; providing for availability of presentence investigation report prior to the sentencing hearing and removing certain references to predisposition report and hearing; removing a requirement that a decision by the court to impose adult sanctions upon certain offenders must be in writing; providing for a presumption that the sentence imposing adult sanctions is appropriate; reenacting s. 39.052(3)(a), F.S., relating to transfer of a child for prosecution as an adult, to incorporate said amendment in references; providing an effective date.

—was read the third time by title.

On motions by Senator Burt, **CS for SB 1282** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—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

Nays—None

**CS for SB 956**—A bill to be entitled An act relating to the disposition of unclaimed moneys; amending s. 116.21, F.S.; providing that a municipality that has a municipal detention facility and that prosecutes through its own municipal prosecutor has a claim against specified unclaimed moneys in the possession of the county; providing an effective date.

—was read the third time by title.

On motions by Senator Forman, **CS for SB 956** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—40

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

**CS for SB 96**—A bill to be entitled An act relating to law enforcement officers; amending s. 943.135, F.S.; allowing law enforcement officers who are also elected or appointed public officials to maintain certification in a special status while holding office; providing an effective date.

—was read the third time by title.

On motions by Senator Bronson, **CS for SB 96** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

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	Sullivan
Casas	Grant	Kurth	Thomas
Childers	Gutman	Latvala	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	

Nays—None

Vote after roll call:

Yea—Silver

**CS for SB 210**—A bill to be entitled An act relating to sexual predators and offenders; amending s. 775.21, F.S.; deleting a provision that prohibits community and public notification of certain sexual predators, and authorizing notification in a manner deemed appropriate by the sheriff and the chief of police; deleting a provision that provides for community and public notification under former s. 775.225, F.S., and authorizing notification in a manner deemed appropriate by the sheriff or chief of police; deleting requirement that community and public notice include the age of the victim and providing instead for requirement that notice state whether the victim was a minor or an adult; creating s. 775.212, F.S.; requiring the sheriff or chief of police of the county or municipality wherein an offender released from incarceration plans to reside to notify the public if the offender is a violent offender; specifying the information to be provided to the public; defining the term "violent offender" for purposes of s. 775.212, F.S., to mean a person who has been convicted of specified violent felonies or convicted of an attempt or conspiracy to commit such felonies; providing an effective date.

—was read the third time by title.

On motions by Senator Crist, **CS for SB 210** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—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

Nays—None

**HB 273**—A bill to be entitled An act relating to sexually transmissible diseases; amending s. 384.24, F.S., relating to unlawful acts by a person infected with a sexually transmissible disease; revising provisions prohibiting such acts; amending s. 384.34, F.S.; providing third degree felony penalties for a person who violates specified provisions prohibiting sexual intercourse by a person who has human immunodeficiency virus infection; amending s. 796.08, F.S.; revising the category of offenses constituting criminal transmission of human immunodeficiency virus infection to include the offer to commit prostitution under specified circumstances when the person offering to commit prostitution has tested positive for human immunodeficiency virus infection; providing penalties; reenacting s. 775.0877(1)(m) and (7), F.S., to incorporate said amendment to s. 796.08, F.S., in a reference; providing an effective date.

—was read the third time by title.

On motions by Senator Gutman, **HB 273** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—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

Nays—None

**CS for HB 245**—A bill to be entitled An act relating to time limitations for sexual battery prosecutions; amending s. 775.15, F.S.; providing an unlimited time period for the commencement of prosecutions for first or second degree felony violations of s. 794.011, F.S., under certain circumstances; providing an effective date.

—was read the third time by title.

On motions by Senator Latvala, **CS for HB 245** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—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

Nays—None

**SB 796**—A bill to be entitled An act relating to criminal sentencing; amending s. 775.021, F.S., relating to rules of construction of the Florida Criminal Code; providing for imposition of consecutive sentences notwithstanding specified provisions relating to habitual offenders; providing for imposition of consecutive mandatory minimum terms of incarceration, limitations on release, and other mandatory minimum punishments; amending s. 775.084, F.S.; providing that a person who has had adjudication withheld and has been placed on community control shall be treated as having a prior conviction for purposes of applying enhanced penalties for a subsequent offense; reenacting ss. 790.1615(3), 806.031(3), F.S., relating to penalties for unlawful throwing, projecting, placing, or discharging of destructive device or bomb that results in injury to another, and relating to penalties for arson resulting in injury to another, to incorporate the amendment in references thereto; providing an effective date.

—as amended April 16 was read the third time by title.

On motions by Senator Lee, **SB 796** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—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

Nays—None

**SB 656**—A bill to be entitled An act relating to funding for criminal proceedings; amending ss. 27.38, 27.60, F.S.; revising the budget transfer authority of state attorneys and public defenders; providing an effective date.

—was read the third time by title.

On motions by Senator Dudley, **SB 656** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—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

Nays—None

**CS for SB 1014**—A bill to be entitled An act relating to burglary and trespass; amending s. 810.011, F.S.; defining the term “curtilage” for purposes of the crimes of burglary and trespass; amending s. 810.09, F.S.; repealing the offense of trespass on property other than a structure or conveyance if the property is the unenclosed curtilage of a dwelling; repealing the definition of the term “unenclosed curtilage”; amending s. 812.014, F.S.; repealing the offense of grand theft of the third degree; repealing the offense of petit theft of the first degree; providing an effective date.

—was read the third time by title.

On motions by Senator Silver, **CS for SB 1014** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

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

Rossin Silver Thomas Williams  
 Scott Sullivan Turner

Nays—None

Vote after roll call:

Yea—Hargrett

On motion by Senator Latvala, by two-thirds vote **CS for HB 501** was withdrawn from the Committee on Natural Resources.

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

**CS for HB 501**—A bill to be entitled An act relating to drainage districts; amending ss. 298.005, 298.11, 298.12, 298.15, 298.16, 298.22, 298.23, 298.24, 298.25, 298.26, 298.28, 298.36, 298.47, and 298.59, F.S.; creating ss. 298.225, 298.301, 298.305, 298.329, 298.333, 298.337, 298.341, 298.345, 298.349, and 298.353, F.S.; providing definitions; deleting references to Melbourne-Tillman Water Control District; providing for the water management plan to be renamed the water control plan; providing for the water control plan to serve the functions of the former plan of reclamation; providing for the jurisdictional water management district to provide certain review responsibilities previously provided by the Department of Environmental Protection; providing for the appointment of certain supervisors by the Governor; revising powers of water control district supervisors; substituting power to adopt policies and resolutions for power to adopt rules; providing revised water control plan adoption and amendment requirements; providing for assessment of lands; providing duties for district engineer and district attorney; providing for the levy and enforcement of non-ad valorem assessments; authorizing the issuance of bonds; providing for liens; providing for a uniform initial acreage assessment for payment of expenses; authorizing districts to designate financial units; amending s. 190.013, F.S.; correcting a cross reference; repealing s. 298.07, F.S., which provides for the water management plan; repealing s. 298.27, F.S., which provides for the plan of reclamation; repealing s. 298.29, F.S., which provides for the levy and collection of taxes; repealing s. 298.30, F.S., which provides for appraisal of lands; repealing s. 298.31, F.S., which provides for appointment of commissioners; repealing s. 298.32, F.S., which provides for duties of commissioners, district attorney, and district engineer; repealing s. 298.33, F.S., which provides for notice of report; repealing s. 298.34, F.S., which provides for exceptions to report; repealing s. 298.35, F.S., which provides for plan of reclamation; repealing s. 298.467, F.S., which prohibits the Department of Environmental Protection from borrowing money; repealing s. 298.55, F.S., which provides for readjustment of assessment of benefits; providing an effective date.

—a companion measure, was substituted for **CS for SB 266** as amended and by two-thirds vote read the second time by title. On motions by Senator Latvala, by two-thirds vote **CS for HB 501** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—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

Nays—None

**SB 46**—A bill to be entitled An act relating to the rights of accused persons; creating the Speedy Trial Reform Act of 1997; amending s. 918.015, F.S.; allowing the Florida Supreme Court discretion in adopting rules that provide for the right of a defendant to a speedy trial; prohibiting a court from discharging a defendant from prosecution unless the court finds a substantive violation of the defendant's right to a speedy trial; providing for determining the period that constitutes a speedy

trial; amending s. 39.048, F.S.; deleting provisions that provide for dismissal with prejudice if an adjudicatory hearing for a juvenile offender is not held within a specified time; providing for the release of the juvenile until such adjudicatory hearing is complete; repealing Rule 3.191, Florida Rules of Criminal Procedure, relating to a defendant's right to a trial within a specified time; repealing Rule 8.090, Florida Rules of Juvenile Procedure, relating to a juvenile's right to an adjudicatory hearing within a specified time; providing a contingent effective date.

—as amended April 16 was read the third time by title.

On motions by Senator Rossin, **SB 46** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—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

Nays—None

**SB 182**—A bill to be entitled An act relating to sentencing; amending s. 921.001, F.S.; providing that the court may impose a sentence outside the sentencing guidelines based on prior offenses that indicate an increase in the severity of the defendant's criminal conduct; providing that the prior offenses need not be similar in nature or temporally proximate to the current offense before the court; amending s. 775.084, F.S.; providing that a person who has had adjudication withheld and has been placed on community control shall be treated as having a prior conviction for purposes of applying enhanced penalties for a subsequent offense; providing an effective date.

—as amended April 16 was read the third time by title.

On motions by Senator Gutman, **SB 182** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—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

Nays—None

Consideration of **SB 1872** and **SB 154** was deferred.

**SB 328**—A bill to be entitled An act relating to controlled substances; amending s. 893.13, F.S.; prohibiting the sale, delivery, purchase, or possession of certain mixtures containing controlled substances; requiring that the court require a person to perform a specified number of hours of community service if the person is found guilty of, or pleads guilty or nolo contendere to, a second or subsequent violation of chapter 893, F.S., relating to offenses that involve controlled substances; providing an effective date.

—as amended April 16 was read the third time by title.

On motions by Senator Kirkpatrick, **SB 328** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—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

Nays—None

**CS for SB 1862**—A bill to be entitled An act relating to lost property; amending s. 705.103, F.S.; providing procedure for notice of disposal by a law enforcement agency of certain lost property; providing an effective date.

—was read the third time by title.

On motions by Senator Burt, **CS for SB 1862** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—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

Nays—None

**CS for HB 97**—A bill to be entitled An act relating to selection of probation and parole office space by the Department of Corrections; amending s. 945.28, F.S.; requiring the department to provide written notification to the county or municipal administrator 30 days prior to signing the lease or purchasing the property for intended probation or parole office space which is within one quarter mile of a place where children or a population especially vulnerable to crime due to age or physical or mental disability regularly congregates; providing an effective date.

—was read the third time by title.

Senator Meadows moved the following amendments which were adopted by two-thirds vote:

**Amendment 1 (with title amendment)**—On page 1, line 24, delete “or” and insert: *and* or

And the title is amended as follows:

On page 1, line 9, delete “or” and insert: *and*

**Amendment 2**—On page 2, line 4, delete “or” and insert: *and*

On motions by Senator Turner, **CS for HB 97** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—37

Madam President	Brown-Waite	Campbell	Childers
Bankhead	Burt	Casas	Clary

Cowin	Gutman	Kurth	Silver
Crist	Hargrett	Latvala	Sullivan
Dantzler	Harris	Lee	Thomas
Diaz-Balart	Holzendorf	McKay	Turner
Dudley	Horne	Myers	Williams
Dyer	Jones	Ostalkiewicz	
Forman	Kirkpatrick	Rossin	
Grant	Klein	Scott	

Nays—None

Vote after roll call:

Yea—Bronson, Jenne, Meadows

**SB 164**—A bill to be entitled An act relating to false or perjured statements; amending s. 775.15, F.S.; providing that a person may be prosecuted at any time for the offense of committing perjury in an official proceeding that relates to the prosecution of a capital felony; amending s. 837.02, F.S.; providing that it is a second-degree felony to make a false statement under oath in an official proceeding that relates to the prosecution of a capital felony; providing that the defendant’s belief that a statement was immaterial is not a defense; amending s. 837.021, F.S.; providing that it is a second-degree felony to make contradictory statements under oath in an official proceeding that relates to the prosecution of a capital felony; providing that the materiality of a statement is a question of law; providing that it is unnecessary to prove which contradictory statement is untrue; providing that the defendant’s belief in the truth of each statement is a defense; amending s. 837.05, F.S.; providing that it is a third-degree felony to knowingly give false information to a law enforcement officer concerning the alleged commission of a capital felony; amending s. 921.0012, F.S.; providing for the ranking under the sentencing guidelines of the offenses of giving false or perjured statements; providing an effective date.

—was read the third time by title.

On motions by Senator Gutman, **SB 164** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—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

Nays—None

**CS for SB 850**—A bill to be entitled An act relating to offenses that evidence prejudice; amending s. 775.085, F.S.; providing enhanced penalties for offenses that show evidence of prejudice against the victim, based on the victim’s mental or physical disability, or advanced age; providing definitions; providing an effective date.

—was read the third time by title.

On motions by Senator Campbell, **CS for SB 850** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—40

Madam President	Casas	Diaz-Balart	Hargrett
Bankhead	Childers	Dudley	Harris
Bronson	Clary	Dyer	Holzendorf
Brown-Waite	Cowin	Forman	Horne
Burt	Crist	Grant	Jenne
Campbell	Dantzler	Gutman	Jones

Kirkpatrick	Lee	Ostalkiewicz	Sullivan
Klein	McKay	Rossin	Thomas
Kurth	Meadows	Scott	Turner
Latvala	Myers	Silver	Williams

Nays—None

**CS for SB 10**—A bill to be entitled An act relating to state correctional facilities; creating the “Tobacco-free Prisons Act”; providing legislative intent; requiring the Department of Corrections and the Correctional Privatization Commission to make smoking-cessation assistance available to inmates; requiring the act to be fully implemented by a specified date; providing definitions; prohibiting an inmate within a state or private correctional facility from possessing or using tobacco products regardless of an inmate’s location; prohibiting visitors from possessing tobacco products while in a state or private correctional facility; authorizing the superintendent of each correctional facility to designate special smoking areas within the facility for use by employees; authorizing employees to possess and use tobacco products outdoors within a facility perimeter; requiring policies for the disposal of used tobacco products; providing penalties; providing an effective date.

—was read the third time by title.

On motions by Senator Burt, **CS for SB 10** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—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

Nays—None

Consideration of **SB 152** was deferred.

**SB 180**—A bill to be entitled An act relating to minors; amending s. 562.13, F.S.; prohibiting the employment of a minor by a vendor licensed under the Beverage Law when the employment involves nudity, as defined, on the part of the minor as a form of adult entertainment; providing an effective date.

—as amended April 16 was read the third time by title.

On motions by Senator Gutman, **SB 180** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—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

Nays—None

**CS for SB 378**—A bill to be entitled An act relating to municipal government; creating s. 166.0495, F.S.; authorizing municipalities to

enter into interlocal agreements to provide law enforcement services within the boundaries of adjoining municipalities within the same county; providing an effective date.

—as amended April 16 was read the third time by title.

On motions by Senator Brown-Waite, **CS for SB 378** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—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

Nays—None

**CS for SB 962**—A bill to be entitled An act relating to the Community Juvenile Justice System Act; amending s. 39.025, F.S.; conforming provisions to reflect the creation of the Department of Children and Family Services; requiring that specified entities participate in the interagency agreement developed by the county juvenile justice council; specifying information to be included in the agreement; clarifying the minimum requirements to be included in an application for a community juvenile justice partnership grant; deleting a requirement that certain parties participate in the application for such a grant; providing an effective date.

—was read the third time by title.

On motions by Senator Forman, **CS for SB 962** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—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

Nays—None

**SB 152**—A bill to be entitled An act relating to controlled substances; amending s. 893.13, F.S.; prohibiting the sale, delivery, purchase, or possession of certain mixtures containing controlled substances; prohibiting the sale, manufacture, delivery, or possession with intent to sell, manufacture, or deliver any controlled substance within a specified distance of property used for religious services or property on which specified business enterprises conduct business; amending s. 921.0012, F.S.; prescribing sentencing guideline offense levels; providing an effective date.

—as amended April 16 was read the third time by title.

On motions by Senator Holzendorf, **SB 152** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—40

Madam President	Bronson	Burt	Casas
Bankhead	Brown-Waite	Campbell	Childers

Clary	Grant	Kirkpatrick	Ostalkiewicz
Cowin	Gutman	Klein	Rossin
Crist	Hargrett	Kurth	Scott
Dantzler	Harris	Latvala	Silver
Diaz-Balart	Holzendorf	Lee	Sullivan
Dudley	Horne	McKay	Thomas
Dyer	Jenne	Meadows	Turner
Forman	Jones	Myers	Williams

Nays—None

Yea—Burt

**CS for CS for HB 3**—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 an effective date.

—as amended April 16 was read the third time by title.

On motions by Senator McKay, **CS for CS for HB 3** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—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

Nays—None

**CS for SB 1112**—A bill to be entitled An act relating to dentistry; amending s. 466.001, F.S.; revising purpose and providing additional legislative intent; providing applicability of the section to certain contracts; amending s. 466.003, F.S.; expanding the definition of “dentistry”; amending s. 466.028, F.S.; revising and providing grounds for disciplinary action; providing penalties; providing applicability of the section to certain contracts; amending s. 466.0285, F.S.; expanding provisions relating to proprietorship by nondentists, including applicability thereof to certain entities; providing penalties; providing that contracts and arrangements entered into or undertaken in violation of the section are void; providing applicability of the section to certain contracts; providing an effective date.

—was read the third time by title.

On motions by Senator Myers, **CS for SB 1112** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Dyer

On motion by Senator Crist, by two-thirds vote **HB 947** was withdrawn from the Committee on Regulated Industries.

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

On motion by Senator Campbell, by two-thirds vote **HB 1101** was withdrawn from the Committee on Criminal Justice.

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

**HB 1101**—A bill to be entitled An act relating to the Florida Crimes Compensation Act; amending s. 960.03, F.S.; revising the definition of “crime” with respect to the Florida Crimes Compensation Act; conforming terminology and a cross reference; expanding the definition to include certain acts of mass violence and international terrorism committed against residents of this state; providing an effective date.

—a companion measure, was substituted for **SB 1872** as amended and by two-thirds vote read the second time by title. On motions by Senator Campbell, by two-thirds vote **HB 1101** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—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

Nays—None

**CS for SB 630**—A bill to be entitled An act relating to children; amending s. 402.302, F.S.; defining the terms “evening child care” and “weekend child care”; providing references to the Department of Children and Family Services; amending s. 402.305, F.S.; providing minimum standards for staff-to-children ratio in a licensed child care facility with children of mixed age ranges; providing for minimum standards for evening child care; amending s. 402.313, F.S.; providing for establishment of minimum standards for licensed family day care homes; providing an effective date.

—as amended April 16 was read the third time by title.

On motions by Senator Rossin, **CS for SB 630** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

**HB 947**—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.

—a companion measure, was substituted for **CS for SB 1726** as amended and by two-thirds vote read the second time by title. On motions by Senator Crist, by two-thirds vote **HB 947** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

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	

Nays—None

Vote after roll call:

Yea—Williams

**HB 255**—A bill to be entitled An act relating to the National Guard; amending s. 250.10, F.S.; revising language with respect to the appointment of the Adjutant General; providing for the performance of the duties of Adjutant General by certain assistants; providing an effective date.

—as amended April 16 was read the third time by title.

On motions by Senator Jones, **HB 255** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—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

Nays—None

**HB 359**—A bill to be entitled An act relating to plant control; amending s. 369.252, F.S.; revising provisions relating to the Department of Environmental Protection program to achieve eradication or maintenance control of invasive exotic plants on public lands; providing an effective date.

—was read the third time by title.

On motions by Senator Lee, **HB 359** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—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

Nays—None

**SB 1284**—A bill to be entitled An act relating to athlete agents; amending s. 468.453, F.S.; requiring each applicant for licensure as an athlete agent to submit a full set of fingerprints for purposes of the required criminal records check; exempting members of The Florida Bar from regulations imposed on athlete agents; providing an effective date.

—as amended April 16 was read the third time by title.

On motions by Senator Childers, **SB 1284** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Kurth

**SPECIAL ORDER CALENDAR**

Consideration of **SB 958** was deferred.

On motion by Senator Burt, by two-thirds vote **HB 507** was withdrawn from the Committees on Transportation; Criminal Justice; and Ways and Means.

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

**HB 507**—A bill to be entitled An act relating to driver's licenses, identification cards, and motor vehicle registrations; amending s. 61.13016, F.S.; specifying requirements for giving a delinquent child-support obligor notice of delinquency and intent to suspend; amending s. 322.245, F.S.; providing notice in accordance with s. 61.13016, F.S.; amending s. 322.32, F.S.; deleting reference to possession of a fictitious or fraudulently altered driver's license, knowingly permitting another to use one's driver's license, using another's driver's license, and permitting unlawful use of a driver's license; amending s. 322.212, F.S.; providing that it is unlawful for any person knowingly to possess any instrument in the similitude of a driver's license issued by the Department of Highway Safety and Motor Vehicles or of any other state or jurisdiction that issues licenses recognized in this state for the operation of a motor vehicle, or any identification card issued by the department or of another state or jurisdiction, unless possession by such person has been duly authorized by the department; providing penalties; providing that it is unlawful to allow another to use one's driver's license or identification

card or to use another's driver's license or identification card; amending s. 831.29, F.S.; prohibiting the possession, use, or transport of implements and materials used to produce identification cards; amending s. 921.0012, F.S.; conforming cross-references; providing an effective date.

—a companion measure, was substituted for **CS for SB 396** and by two-thirds vote read the second time by title.

Senator Burt moved the following amendments which were adopted:

**Amendment 1 (with title amendment)**—On page 5, line 25 through page 8, line 26, delete those lines and insert:

(2) To lend his or her driver's license to any other person or knowingly permit the use thereof by another.

(3) To display, or represent as his or her own, any driver's license not issued to him or her.

(4) To fail or refuse to surrender to the department upon its lawful demand any driver's license *that which* has been suspended, revoked, disqualified, or canceled.

(5) To permit any unlawful use of a driver's license issued to him or her.

(6) To apply for, obtain, or cause to be issued to him or her two or more photographic driver's licenses which are in different names. The issuance of such licenses shall be prima facie evidence that the licensee has violated the provisions of this section unless the issuance was in compliance with the requirements of this chapter.

(7) To do any act forbidden, or fail to perform any act required, by this chapter.

Section 4. Section 322.212, Florida Statutes, is amended to read:

322.212 Unauthorized possession of, and other unlawful acts in relation to, driver's license or identification card.—

(1) It is unlawful for any person:

(a) Knowingly to have in his or her possession *or to display* any blank, forged, stolen, fictitious, counterfeit, or unlawfully issued driver's license or identification card *or any instrument in the similitude of a driver's license or identification card described in s. 322.051* unless possession by such person has been duly authorized by the department;

(b) Knowingly to have in his or her possession any instrument in the similitude of a driver's license issued by the department or its duly authorized agents or those of any state or jurisdiction issuing licenses recognized in this state for the operation of a motor vehicle; or

(c) Knowingly to have in his or her possession any instrument in the similitude of an identification card issued by the department or its duly authorized agents or those of any state or jurisdiction issuing identification cards recognized in this state for the purpose of indicating a person's true name and age.

*The term "driver's license" includes a driver's license issued by the department or its agents or a driver's license issued by any state or jurisdiction that issues licenses recognized in this state for the operation of a motor vehicle. The term "identification card" includes any identification card issued by the department or its agents or any identification card issued by any state or jurisdiction that issues identification cards recognized in this state for the purpose of indicating a person's true name and age. This subsection does not prohibit a person from possessing or displaying another person's driver's license or identification card for a lawful purpose.*

(2) It is unlawful for any person to barter, trade, sell, or give away any driver's license or identification card or to perpetrate a conspiracy to barter, trade, sell, or give away any such license or identification card unless such person has been duly authorized to issue the license or identification card by the department as provided in this chapter or in the adopted rules and regulations of the department.

(3) It is unlawful for any employee of the department to allow or permit the issuance of a driver's license or identification card when he or she knows that the applicant has not lawfully fulfilled the require-

ments of this chapter for the issuance of such license or identification card.

(4) It is unlawful for any person to agree to supply or to aid in supplying any person with a driver's license or identification card by any means whatsoever not in accordance with the provisions of this chapter.

(5)(a) It is unlawful for any person to use a false or fictitious name in any application for a driver's license or identification card or knowingly to make a false statement, knowingly conceal a material fact, or otherwise commit a fraud in any such application.

(b) *It is unlawful for any person to have in his or her possession a driver's license or identification card, or any instrument in the similitude of a driver's license or identification card, upon which the date of birth has been altered.*

(6) Any person who violates any of the provisions of this section ~~is~~ is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. However, any person who violates paragraph (5)(a) ~~the provisions of subsection (5)~~ by giving a false age in any application for a driver's license or identification card *or who violates paragraph (5)(b) by possessing a driver's license, identification card, or any instrument in the similitude thereof, on which the date of birth has been altered* is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(7) The foregoing provisions of this section are in

And the title is amended as follows:

On page 1, lines 12-30, delete those lines and insert: license; amending s. 322.212, F.S.; providing that it is unlawful for any person knowingly to possess any instrument in the similitude of a driver's license issued by the Department of Highway Safety and Motor Vehicles or of any other state or jurisdiction that issues licenses recognized in this state for the operation of a motor vehicle, or any identification card issued by the department or of another state or jurisdiction, unless possession by such person has been duly authorized by the department; providing penalties;

**Amendment 2**—On page 11, lines 16-20, delete those lines and insert:

322.212(4)	3rd	Supply or aid in supplying unauthorized driver's license <i>or identification card.</i>
322.212(5)(a)	3rd	False application for driver's license <i>or identification card.</i>

Pursuant to Rule 4.19, **HB 507** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Bronson, by two-thirds vote **HB 989** was withdrawn from the Committees on Agriculture; and Ways and Means.

On motion by Senator Bronson—

**HB 989**—A bill to be entitled An act relating to citrus; amending ss. 601.02, 601.15, F.S.; clarifying the use of funds collected under s. 601.15, F.S.; amending s. 601.28, F.S.; providing for fresh citrus fruit inspection rates fees to be set by hourly equivalents to per-box fees; amending s. 601.67, F.S.; authorizing the Department of Agriculture and Consumer Services to impose a fine and suspend the license of a fruit dealer who commingles fresh citrus fruit; providing an effective date.

—a companion measure, was substituted for **SB 1344** and read the second time by title.

Pursuant to Rule 4.19, **HB 989** was placed on the calendar of Bills on Third Reading.

On motion by Senator Sullivan, by two-thirds vote **CS for HB 991** was withdrawn from the Committees on Governmental Reform and Oversight; and Ways and Means.

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

**CS for HB 991**—A bill to be entitled An act relating to high school athletics; designating a nonprofit organization to govern athletes in the public schools; requiring bylaws establishing eligibility for student participation in athletic competition; providing for the structure, duties, and responsibilities of the organization; requiring a due process procedure; providing for bylaws to require member schools to adopt nationally recognized rules for sports; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 786** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 991** was placed on the calendar of Bills on Third Reading.

On motion by Senator Forman—

**CS for SB 880**—A bill to be entitled An act relating to human rights; amending s. 402.165, F.S.; redesignating the Statewide Human Rights Advocacy Committee as the Statewide Human Rights Advocacy Council; revising membership of the statewide council; increasing the term of appointment to the statewide council; amending s. 402.166, F.S.; redesignating the district human rights advocacy committees as the local human rights advocacy councils; providing for additional local councils to be established; increasing the term of appointment to a local council; providing for appointing a vice chairperson to each local council; providing for local councils to monitor the activities of, and investigate complaints against, the Department of Children and Family Services; amending s. 402.167, F.S.; revising provisions to reflect the redesignation of the human rights advocacy committees as human rights advocacy councils; amending ss. 393.13, 394.459, 394.4595, 394.4597, 394.4598, 394.4599, 394.4615, 400.0067, 400.0089, 400.419, 400.428, 415.1034, 415.104, 415.1055, 415.106, 415.107, 415.501, 415.505, 415.51, F.S.; conforming terminology to changes made by the act; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 880** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 444** was deferred.

On motion by Senator Klein, by two-thirds vote **HB 397** was withdrawn from the Committees on Banking and Insurance; and Ways and Means.

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

**HB 397**—A bill to be entitled An act relating to international banking; amending s. 655.059, F.S.; providing for access to books and records of international banking corporations under certain circumstances; amending s. 663.01, F.S.; revising a definition; amending s. 663.07, F.S.; clarifying exclusion of certain deposits, borrowings, and credit of international banking facilities from total assets and liabilities; clarifying certain cash and security deposit requirements for international bank agencies or international branches; creating ss. 663.16-663.181, F.S.; providing for liquidation of international bank agencies and branches; providing definitions; providing for possession of a business and property by the Department of Banking and Finance; providing for inventory of assets; providing for wages; providing for deposit of certain assets; providing for appointment of agents and judges; providing for repudiation of contracts; providing for liability on repudiation or termination of contracts; providing for retention of certain security interests under qualified financial contracts; providing for effects on leases under repudiated contracts; providing for effect of possession of an international banking corporation by the department; providing for damages; requiring notice of taking possession; providing criteria; providing for disposition of certain property; providing for claims; providing procedures; exempting the department from paying certain fees; providing for challenging possession of an international banking corporation by the department; repealing s. 663.02(2), F.S., relating to applicability of certain state banking laws to certain financial institutions; providing an effective date.

—a companion measure, was substituted for **SB 1042** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 397** was placed on the calendar of Bills on Third Reading.

On motion by Senator Dudley—

**SB 1108**—A bill to be entitled An act relating to the uniform method for collecting non-ad valorem assessments; amending s. 197.3632, F.S.; authorizing the use of the uniform method to collect non-ad valorem assessments regardless of specified circumstances; providing legislative intent; ratifying certain ordinances; providing an effective date.

—was read the second time by title.

The Committee on Community Affairs recommended the following amendment which was moved by Senator Dudley and failed:

**Amendment 1**—On page 1, lines 20 and 21, delete those lines and insert: pursuant to general or special law or *local government municipal or county ordinance or resolution*, whether or not such assessment was initially

Senator Dudley moved the following amendment which was adopted:

**Amendment 2**—On page 1, lines 20-22, delete those lines and insert: pursuant to general or special law or *local government municipal or county ordinance or resolution, regardless of when the whether or not such assessment was initially imposed or whether it prior to January 1, 1990, or* has previously

Pursuant to Rule 4.19, **SB 1108** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

## MOTIONS

On motion by Senator Bankhead, the rules were waived and **SB 392** was taken up out of order by unanimous consent.

On motion by Senator Bankhead, the rules were waived and time of recess was extended until consideration of **SB 392** and **SB 154** and completion of motions and announcements.

On motion by Senator Grant—

**SB 392**—A bill to be entitled An act relating to discretionary sales surtaxes; amending s. 212.055, F.S.; correcting an obsolete reference; postponing the expiration date for the indigent care surtax; providing an effective date.

—was read the second time by title.

The Committee on Community Affairs recommended the following amendment which was moved by Senator Grant and failed:

**Amendment 1**—On page 5, between lines 5 and 6, insert:

Section 2. *Any county which levied the tax prior to October 1, 1998 must adopt an ordinance, by an extraordinary vote, to extend the surtax to October 1, 2008.*

(Renumber subsequent section.)

Senators Grant and Lee offered the following amendment which was moved by Senator Grant and adopted:

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

Section 1. Subsection (4) of section 212.055, Florida Statutes, 1996 Supplement, is amended to read:

212.055 Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.—It is the legislative intent that any authorization for imposition of a discretionary sales surtax shall be published in the Florida Statutes as a subsection of this section, irrespective of the

duration of the levy. Each enactment shall specify the types of counties authorized to levy; the rate or rates which may be imposed; the maximum length of time the surtax may be imposed, if any; the procedure which must be followed to secure voter approval, if required; the purpose for which the proceeds may be expended; and such other requirements as the Legislature may provide. Taxable transactions and administrative procedures shall be as provided in s. 212.054.

(4) INDIGENT CARE SURTAX.—

(a) The governing body in each county the government of which is not consolidated with that of one or more municipalities, which has a population of at least 800,000 residents and is not authorized to levy a surtax under subsection (5) or subsection (6), may levy, pursuant to an ordinance either approved by an extraordinary vote of the governing body or conditioned to take effect only upon approval by a majority vote of the electors of the county voting in a referendum, a discretionary sales surtax at a rate that may not exceed 0.5 percent. ~~Any county that levies the surtax authorized by this subsection shall continue to expend county funds for the medically poor and related health services in an amount equal to the amount that it expended for the medically poor and related health services in the fiscal year preceding the adoption of the authorizing ordinance.~~

(b) If the ordinance is conditioned on a referendum, a statement that includes a brief and general description of the purposes to be funded by the surtax and that conforms to the requirements of s. 101.161 shall be placed on the ballot by the governing body of the county. The following questions shall be placed on the ballot:

FOR THE . . .CENTS TAX  
AGAINST THE . . .CENTS TAX

(c) Notwithstanding s. 212.054(5), the sales surtax may take effect on the first day of any month, as fixed by the ordinance adopted pursuant to paragraph (a), but may not take effect until at least 60 days after the date of adoption of the ordinance adopted pursuant to paragraph (a) or, if the surtax is made subject to a referendum, at least 60 days after the date of approval by the electors of the ordinance adopted pursuant to paragraph (a).

(d) The ordinance adopted by the governing body providing for the imposition of the surtax shall set forth a plan for providing health care services to qualified residents, as defined in paragraph (e). Such plan and subsequent amendments to it shall fund a broad range of health care services for both indigent persons and the medically poor, including, but not limited to, primary care and preventive care as well as hospital care. It shall emphasize a continuity of care in the most cost-effective setting, taking into consideration both a high quality of care and geographic access. Where consistent with these objectives, it shall include, without limitation, services rendered by physicians, clinics, community hospitals, mental health centers, and alternative delivery sites, as well as at least one regional referral hospital where appropriate. It shall provide that agreements negotiated between the county and providers will include reimbursement methodologies that take into account the cost of services rendered to eligible patients, recognize hospitals that render a disproportionate share of indigent care, provide other incentives to promote the delivery of charity care, and require cost containment including, but not limited to, case management. It must also provide that any hospitals that are owned and operated by government entities on May 21, 1991, must, as a condition of receiving funds under this subsection, afford public access equal to that provided under s. 286.011 as to meetings of the governing board, the subject of which is budgeting resources for the rendition of charity care as that term is defined in the *Florida Hospital Uniform Reporting System (FHURS) manual referenced in s. 408.07* ~~rules of the Health Care Cost Containment Board~~. The plan shall also include innovative health care programs that provide cost-effective alternatives to traditional methods of service delivery and funding.

(e) For the purpose of this subsection, the term "qualified resident" means residents of the authorizing county who are:

- 1. Qualified as indigent persons as certified by the authorizing county;
- 2. Certified by the authorizing county as meeting the definition of the medically poor, defined as persons having insufficient income, resources, and assets to provide the needed medical care without using resources required to meet basic needs for shelter, food, clothing, and

personal expenses; or not being eligible for any other state or federal program, or having medical needs that are not covered by any such program; or having insufficient third-party insurance coverage. In all cases, the authorizing county is intended to serve as the payor of last resort; or

3. Participating in innovative, cost-effective programs approved by the authorizing county.

(f) Moneys collected pursuant to this subsection remain the property of the state and shall be distributed by the Department of Revenue on a regular and periodic basis to the clerk of the circuit court as ex officio custodian of the funds of the authorizing county. The clerk of the circuit court shall:

- 1. Maintain the moneys in an indigent health care trust fund;
- 2. Invest any funds held on deposit in the trust fund pursuant to general law; and
- 3. Disburse the funds, including any interest earned, to any provider of health care services, as provided in paragraphs (d) and (e), upon directive from the authorizing county.

(g) Notwithstanding any other provision of this section, a county shall not levy local option sales surtaxes authorized in this subsection and subsections (2) and (3) in excess of a combined rate of 1 percent.

(h) This subsection expires October 1, ~~2005~~ 1998.

Section 2. *Any county which levied the tax prior to October 1, 1998, must adopt an ordinance, by an extraordinary vote, to extend the surtax to October 1, 2005, and to specifically authorize the provision of section 212.055(4)(a), Florida Statutes, relating to the amount of the tax to be levied.*

Section 3. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to discretionary sales surtaxes; amending s. 212.055, F.S.; correcting an obsolete reference; postponing the expiration date for the indigent care surtax; requiring an extraordinary vote of a county commission to extend a surtax; providing an effective date.

Pursuant to Rule 4.19, **SB 392** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Clary, the rules were waived and the Senate reverted to—

**CONSIDERATION OF BILLS  
ON THIRD READING**

On motion by Senator Clary, by two-thirds vote **HB 385** was withdrawn from the Committees on Criminal Justice; and Ways and Means.

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

**HB 385**—A bill to be entitled An act relating to sentencing; amending s. 775.0845, F.S.; restating legislative intent with respect to sentencing for offenses committed while wearing a mask, hood, or similar device; providing an effective date.

—a companion measure, was substituted for **SB 154** and by two-thirds vote read the second time by title. On motions by Senator Clary, by two-thirds vote **HB 385** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Casas	Dantzler	Grant
Bankhead	Childers	Diaz-Balart	Gutman
Bronson	Clary	Dudley	Hargrett
Brown-Waite	Cowin	Dyer	Harris
Burt	Crist	Forman	Holzendorf

Horne	Kurth	Myers	Thomas
Jenne	Latvala	Ostalkiewicz	Turner
Jones	Lee	Rossin	Williams
Kirkpatrick	McKay	Silver	
Klein	Meadows	Sullivan	

Nays—None

## REPORTS OF COMMITTEES

The Committee on Judiciary recommends the following pass: SB 1450 with 1 amendment

**The bill was referred to the Committee on Commerce and Economic Opportunities under the original reference.**

The Committee on Banking and Insurance recommends the following pass: SB 1172 with 2 amendments

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

The Committee on Judiciary recommends the following pass: SB 790 with 1 amendment

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

The Committee on Banking and Insurance recommends the following pass: SB 1974 with 1 amendment

**The bill was referred to the Committee on Health Care under the original reference.**

The Committee on Banking and Insurance recommends the following pass: SB 1820 with 1 amendment

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

The Committee on Banking and Insurance recommends the following pass: SB 620 with 1 amendment

The Committee on Judiciary recommends the following pass: SB 2062 with 3 amendments

The Committee on Natural Resources recommends the following pass: CS for SB's 234 and 456 with 1 amendment, SB 554 with 1 amendment, SB 838 with 1 amendment, SB 1268

The Committee on Transportation recommends the following pass: SB 2386 with 1 amendment

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

The Committee on Banking and Insurance recommends the following pass: SB 390, SB 814 with 2 amendments

The Committee on Judiciary recommends the following pass: SB 172 with 4 amendments, SB 1092 with 1 amendment, SB 2058 with 1 amendment

The Committee on Transportation recommends the following pass: SB 1240 with 1 amendment, SB 1514

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

The Committee on Banking and Insurance recommends the following not pass: SB 1744

**The bill was laid on the table.**

The Committee on Criminal Justice recommends a committee substitute for the following: SB 2186

**The bill with committee substitute attached was referred to the Committee on Children, Families and Seniors under the original reference.**

The Committee on Community Affairs recommends a committee substitute for the following: SB 1958

**The bill with committee substitute attached was referred to the Committee on Commerce and Economic Opportunities under the original reference.**

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 904

The Committee on Children, Families and Seniors recommends a committee substitute for the following: SB 946

The Committee on Criminal Justice recommends a committee substitute for the following: SB 1880

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

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 1432

The Committee on Commerce and Economic Opportunities recommends committee substitutes for the following: Senate Bills 1678 and 2404, SB 1680, SB 2048

The Committee on Community Affairs recommends committee substitutes for the following: CS for SB 214, SB 1410

The Committee on Criminal Justice recommends committee substitutes for the following: Senate Bill 544 and CS for SB 1904, SB 636, SB 2362

**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 Banking and Insurance recommends committee substitutes for the following: SB 40, SB 2352

The Committee on Criminal Justice recommends committee substitutes for the following: SB 2000, SB 2314

The Committee on Judiciary recommends committee substitutes for the following: SB 1006, SB 1214, SB 2296

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

## COMMITTEE SUBSTITUTES

### FIRST READING

By the Committee on Banking and Insurance; and Senators Brown-Waite, Dudley and Grant—

**CS for SB 40**—A bill to be entitled An act relating to wrongful death; amending s. 768.19, F.S.; providing for ch. 766, F.S., to apply to wrongful death actions with respect to claims for medical malpractice; repealing

s. 768.21(8), F.S., which prohibits the recovery of damages for wrongful death by specified persons; providing an effective date.

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By the Committees on Community Affairs, Regulated Industries and Senators Latvala, Williams, Dyer, Bronson and Campbell—

**CS for CS for SB 214**—A bill to be entitled An act relating to telecommunications; creating ss. 125.421, 166.047, F.S.; specifying circumstances under which a county or other entity of local government may obtain or hold a certificate under chapter 364, F.S., relating to telecommunications companies, and under which the provision of telecommunications services constitutes a municipal or public purpose; providing exceptions; amending s. 196.012, F.S.; providing that certain telecommunications services provided to the public for hire are not exempt from taxation unless provided by the operator of a public-use airport or provided by a public hospital; providing that certain property used to provide such services is exempt until a specified date; amending s. 199.183, F.S.; providing that telecommunication services provided to the public for hire by the state or a political subdivision are not exempt from intangible personal property taxes; providing exceptions; amending s. 212.08, F.S.; providing that telecommunication services provided to the public for hire by the state or political subdivision are not exempt from sales or use taxes; providing exceptions; providing severability; providing an effective date.

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By the Committees on Criminal Justice, Education and Senators Turner and Rossin—

**CS for SB 544 and CS for SB 1904**—A bill to be entitled An act relating to student discipline and school safety; amending s. 232.09, F.S.; revising provisions relating to student attendance responsibility and policy; creating s. 232.0205, F.S.; requiring certain disclosure at school registration and providing penalties for willful nondisclosure; amending s. 232.01, F.S.; revising compulsory school attendance requirements to require children over age 16 to file a formal declaration of intent to terminate school enrollment in order to be exempt from compulsory school attendance requirements; amending s. 39.01, F.S.; revising provisions regarding habitual truancy; amending s. 228.041, F.S.; revising the definitions of the terms “habitual truant” and “dropout”; amending s. 232.2462, F.S.; conforming provisions; amending s. 414.125, F.S.; providing Learnfare program requirements; amending s. 232.17, F.S.; revising procedures relating to enforcement of school attendance; amending s. 232.19, F.S.; revising penalties and court procedures relating to habitual truancy; requiring each public school principal to notify the district school board of students who accumulate a specified number of unexcused absences; authorizing the governing body of a private school to provide such information to the Department of Education; requiring that the Department of Highway Safety and Motor Vehicles withhold issuance of or suspend the driver’s license or learner’s driver’s license of a student who fails to satisfy school attendance requirements; requiring the Department of Juvenile Justice, the Department of Children and Family Services, and the school districts to develop cooperative agreements for working with habitual truants and their families; providing for court-ordered parent training classes and providing penalties for termination of an employee required to attend such classes, under certain circumstances; authorizing the court to impose civil penalties on, or require participation in community service or counseling by, the child; amending s. 232.195, F.S., relating to truancy activities upon transfer of student, to conform; creating s. 232.197, F.S.; requiring notification to a school of court action directly involving the school; amending s. 232.2452, F.S.; revising requirements relating to student report cards; amending s. 232.25, F.S., relating to pupils subject to control of school; providing for a school child’s daily conduct pledge; amending s. 322.05, F.S., relating to the issuance of driver’s licenses; conforming provisions to changes made by the act; amending s. 322.09, F.S.; prohibiting the Department of Highway Safety and Motor Vehicles from issuing a driver’s license or restricted license to a person under a specified age who does not meet requirements for school attendance and is not otherwise exempt from such requirements; creating s. 322.091, F.S.; providing that a minor is not eligible for driving privileges unless the minor is enrolled in school or a home education program, has received a high school diploma or certificate, is enrolled in certain other educational activities, or obtains a certificate of exemption or hardship waiver; requiring the Department of Highway Safety and Motor Vehicles to notify a minor

before the department suspends the minor’s driving privileges because of noncompliance with school attendance requirements; providing for a hardship waiver; providing for a hearing before the public school principal or the designee of the governing body of a private school; providing for the department to reinstate a minor’s driving privileges following compliance with school attendance requirements for a specified period; requiring the department to report to school districts on students whose driving privileges are suspended; amending s. 39.015, F.S., relating to rulemaking regarding habitual truants, to conform to the act; amending s. 230.2316, F.S., relating to dropout prevention; providing that second chance schools may include residential academies; providing criteria for establishment, operation, and funding of residential academies; providing criteria for participation; requiring parents and legal guardians of students assigned to programs funded by the dropout prevention program to comply with the requirements of the assignment and providing penalties; amending s. 39.085, F.S.; revising provisions relating to the Alternative Education Institute, to convert its mission and procedures and clarify its membership and duties; creating s. 230.235, F.S.; requiring school districts to adopt a policy of zero tolerance for crime, including criminal substance abuse violations; amending s. 232.277, F.S.; requiring reporting and notification of student substance abuse; amending s. 790.115, F.S.; expanding offenses that are punishable as possessing or discharging weapons or firearms on school property and providing a qualifier to an exception from such offense; amending s. 230.23015, F.S.; clarifying provisions relating to students who commit assault or battery on school personnel; providing effective dates.

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By the Committee on Criminal Justice and Senator Campbell—

**CS for SB 636**—A bill to be entitled An act relating to criminal offenses involving minors; creating the Children’s Protection Act of 1997; amending s. 775.084, F.S., relating to violent career criminal sentencing, to conform to the act; amending s. 784.03, F.S., relating to battery and felony battery; defining the offense of battery upon a child under 16 years of age; providing penalties; amending ss. 787.01 and 787.02, F.S., relating to kidnapping and false imprisonment, to conform to the act; amending s. 800.03, F.S.; redefining the offense of unlawful exposure or exhibition of sexual organs to prohibit appearing naked under specified circumstances; providing penalties; providing that a violation of s. 800.03, F.S., in the presence of a person under 16 years of age constitutes a violation of s. 800.04, F.S.; providing an exception for maternal breastfeeding; amending s. 800.04, F.S.; creating the offenses of “lewd or lascivious battery,” “lewd or lascivious molestation,” “lewd or lascivious conduct,” and “lewd or lascivious exhibition”; providing definitions; providing penalties; precluding consent from being raised as a defense except in certain circumstances; precluding ignorance or belief concerning age from being raised as a defense; providing an exception for maternal breastfeeding; deleting provisions that define and provide penalties for “lewd, lascivious, or indecent assault or act upon or in the presence of a child”; amending s. 826.04, F.S., relating to incest; removing a definition of “sexual intercourse” and defining “sexual activity”; redefining the offense of third-degree-felony incest to include knowingly marrying or engaging in sexual activity with a relative, as defined, who is at least 18 years old; providing penalties; defining the offense of second-degree-felony incest against a person under 16 years of age; providing penalties; reenacting ss. 775.15(7), 787.025(2)(a), 914.16, and 944.606(1)(b), F.S., relating to time limitations, luring or enticing a child, limits on interviews, and sex offender notification upon release, to incorporate the amendments to ss. 800.04 and 826.04, F.S., in cross-references; amending s. 921.0012, F.S.; ranking offenses created in the act in the sentencing guidelines offense severity ranking chart; amending s. 948.03(4)(a), F.S., and reenacting s. 948.03(5), F.S., relating to terms and conditions of probation or community control, to conform to the act; providing an effective date.

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By the Committee on Banking and Insurance; and Senators Grant and Holzendorf—

**CS for SB 904**—A bill to be entitled An act relating to confidentiality of information relating to risk-based-capital reports of insurers; providing a public records exemption for risk-based-capital reports, risk-based-capital plans, and working papers and reports of examination or analysis; providing a public meetings notice for certain hearings conducted by the department regarding risk-based capital; providing exceptions; pro-

viding application of the act; providing for termination of the exemptions; providing legislative findings; providing an effective date.

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

**CS for SB 946**—A bill to be entitled An act relating to confidentiality of identifying information regarding domestic violence victims; creating s. 741.401, F.S.; providing legislative findings and purpose; creating s. 741.402, F.S.; providing definitions; creating s. 741.403, F.S.; providing for creation of the Address Confidentiality Program for Victims of Domestic Violence; providing for certification by the Attorney General of applicants to participate in the program; defining the offense of falsely attesting or knowingly providing false or incorrect information in such program application, and providing second degree misdemeanor penalties therefor; defining the offense of attempting to gain access to a program participant's actual address through fraud, and providing third degree felony penalties therefor; creating s. 741.404, F.S.; providing for certification cancellation; creating s. 741.405, F.S.; providing authority of state and local agencies and other governmental entities and guidelines relating to use of designated address; creating s. 741.406, F.S.; providing for voting by program participants in the same manner as absentee voters; prohibiting the supervisor of elections from disclosing certain information except under specified circumstances; providing for appeal by agency of requested waiver; creating s. 741.407, F.S.; prohibiting disclosure of addresses and certain information, except under specified circumstances; requiring immediate written notification by the Attorney General to a program participant with respect to certain disclosure of information; creating s. 741.408, F.S.; providing for certain assistance for program applicants; creating s. 741.409, F.S.; providing for adoption of rules; providing for an appropriation not to exceed \$150,000; specifying the maximum percentage for an increase in the general appropriation for subsequent years; providing for the Attorney General to seek other funds; providing an effective date.

By the Committee on Judiciary and Senator Silver—

**CS for SB 1006**—A bill to be entitled An act relating to protection against domestic violence; amending s. 28.241, F.S.; limiting certain fees for injunctions relating to 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 domestic violence or child abuse to be considered by the court as evidence of detriment to the child; providing for consideration of false allegations of domestic violence or child abuse in custody proceedings; providing for consideration of domestic violence and child abuse in custody proceedings; providing for consideration of allegations of domestic violence or child abuse in custody proceedings; 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; 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; prescribing conditions under which persons may present evidence or recommendations; providing for information through the clerk of the court; specifying information to be included in the petition for injunction for protection from domestic violence; providing certain procedures after granting an ex parte injunction; requiring the court to provide respondents with a list of counseling, treatment, batterers' intervention programs; requiring the court administrator to maintain a registry of program providers; providing for petitioners to be ordered to counseling; providing for petitioners to be provided a list of treatment, intervention, and counseling programs; providing for payment of a petitioner's treatment, intervention, or counseling; limiting total charges for issuing or serving injunctions or restraining orders relating to 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.

By the Committee on Judiciary and Senator Forman—

**CS for SB 1214**—A bill to be entitled An act relating to guardians; creating s. 744.1085, F.S.; providing for the regulation of professional guardians; providing for a bond; providing educational requirements; authorizing issuance of a blanket fiduciary bond; amending s. 744.3135, F.S.; requiring criminal history and credit check; providing for waiver; amending s. 744.3145, F.S.; excluding professional guardians from certain educational requirements; amending s. 744.3675, F.S.; revising language with respect to the annual guardianship plan; amending s. 744.454, F.S.; forbidding professional guardian from purchasing property or borrowing money from his ward; providing an effective date.

By the Committee on Community Affairs and Senators Forman and Meadows—

**CS for SB 1410**—A bill to be entitled An act relating to taxation; creating s. 197.4155, F.S.; authorizing county tax collectors to implement an installment payment program for delinquent personal property taxes; providing conditions under which the program is available to delinquent personal property taxpayers; providing requirements for applying; providing for a tax collector to prescribe an installment payment plan within a specified time period; allowing flexibility; prescribing limitations upon the duration of an installment plan; providing that tax warrants are unenforceable in certain circumstances; authorizing a tax collector to use all legally available enforcement methods if taxes due under an installment plan are not paid in full; providing an effective date.

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

**CS for SB 1432**—A bill to be entitled An act relating to title loan transactions; creating the "Florida Title Loan Act"; providing definitions; requiring licensure by the Department of Agriculture and Consumer Services to be in the business as a title loan lender; providing for eligibility for licensure; providing for application; providing for suspension or revocation of license; providing for a title loan transaction form; providing for recordkeeping and reporting and safekeeping of property; providing for title loan charges; providing a holding period when there is a failure to redeem; providing for attempts at collection; providing for the disposal of pledged property; providing for disposition of excess proceeds; prohibiting certain acts; providing for the right to redeem; providing for lost title loan transaction forms; providing for a title loan lenders lien; providing for criminal penalties; providing for certain records from the Department of Law Enforcement; providing for subpoenas, enforcement of actions, and rules; providing a fine; providing for investigations and complaints; providing an appropriation; providing legislative intent; repealing ss. 538.06(5), 538.15(4) and (5), F.S., relating to title loan transactions by secondhand dealers; amending ss. 538.03, 538.16, F.S., relating to secondhand dealers, to remove provisions relating to title

loan transactions; providing an effective date.

By the Committee on Commerce and Economic Opportunities; and Senators Williams and Hargrett—

**CS for SB's 1678 and 2404**—A bill to be entitled An act relating to tax on sales, use, and other transactions; 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; amending s. 212.11, F.S.; revising provisions which require dealers who paid \$100,000 or more in tax in the prior year to make estimated tax payments; providing that certain dealers engaged in the sale of boats, motor vehicles, or aircraft may make estimated tax payments for a portion of sales, while remitting the tax for sales of \$100,000 or more at the time of sale; providing an effective date.

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

**CS for SB 1680**—A bill to be entitled An act relating to tax administration; repealing the following sections of chapter 95-272, Laws of Florida, which are scheduled to take effect July 1, 1997, which sections would eliminate the reorganization of the structure of the Department of Revenue enacted by that chapter: ss. 15 and 16, which amend ss. 20.04, 20.21, F.S., relating to the organizational structure of the department; ss. 17, 18, 19, 20, 21, 22, 23, 24, 25, and 26, which amend ss. 189.412, 195.087, 195.096, 195.097, 200.068, 200.0684, 213.015, 213.053, 213.2201, 409.2599, F.S., relating to approval of property appraisers' and tax collectors' budgets, review of assessment rolls, certification of compliance of taxing authorities, taxpayer rights, child support enforcement, and department publications, to conform; and s. 27, which re-creates s. 213.0451, F.S., relating to positions within the department; repealing s. 12, ch. 96-324, s. 3, ch. 96-403, and ss. 54 and 63, ch. 96-406, Laws of Florida, which are intended to preserve the amendments to ss. 20.04, 189.412, 195.096, 213.053, F.S., contained in the sections repealed by this act; providing legislative intent; amending s. 95.091, F.S.; amending certain statutes of limitation; reducing the tolling of the statute of limitations for specific causes; amending s. 197.253, F.S.; conforming provisions relating to an appeal to the value adjustment board of denial of homestead tax deferral to the time limitations specified in s. 194.011, F.S.; amending s. 199.052, F.S.; requiring banks and financial organizations filing annual intangible personal property tax returns for their customers to file information using machine-sensible media; amending s. 199.103, F.S.; providing a basis for valuing stock or shares of certain middle tier stock holding companies for purposes of intangible personal property taxation; amending ss. 203.01, 203.63, F.S., relating to the tax on gross receipts for utility services and the tax on interstate and international telecommunication services; providing clarification with respect to the separate statement of such taxes on bills or invoices; specifying that certain sums billed or charged as taxes thereunder and under ch. 212, F.S., shall not be subject to refund, notwithstanding requirements relating to separate statement of such taxes on bills or invoices; amending s. 212.05, F.S.; providing clarification with respect to the imposition of the tax on sales, use, and other transactions on telecommunication service; providing legislative intent; amending s. 212.10, F.S.; providing that a corporation with an officer, director, or majority shareholder who was previously associated with a corporation that quit business and failed to file a final sales tax return or pay sales tax liability may be denied the right to engage in business until payment is made; providing for delivery by registered mail of notice to a bank that has in its possession or under its control assets of a sales tax dealer who is delinquent in payment of tax; requiring financial institutions receiving notice of such delinquency to maintain a right of setoff for certain debit card transactions; amending s. 212.11, F.S.; providing requirements relating to sales tax returns filed through electronic data interchange; amending s. 212.12, F.S.; revising provisions relating to the dealer's credit for collecting sales tax; specifying that the credit is also for the filing of timely returns; authorizing the department to deny, rather than reduce, the credit if an incomplete return is filed; revising the definition of "incomplete return"; amending s. 212.17, F.S.; providing that the department shall prescribe the format for filing returns through electronic data interchange and specifying that failure to use the format does not relieve a dealer from the payment of tax; amending s. 213.755,

F.S.; defining "return" and "payment" for purposes of revenue laws administered by the department; amending s. 213.053, F.S.; authorizing the department to provide certain information to the Department of Labor and Employment Security; amending s. 213.21, F.S.; revising provisions which authorize the department to delegate to the executive director authority to approve a settlement or compromise of tax liability, to increase the limit on the amount of tax reduction with respect to which such delegation may be made; specifying a time period for which the department may settle and compromise tax and interest due when a taxpayer voluntarily self-discloses a tax liability and authorizing further settlement and compromise under certain circumstances; creating s. 213.285, F.S.; authorizing the department to initiate a certified audits project under which taxpayers may hire qualified practitioners to review and report on their tax compliance; providing definitions; providing requirements for participation by such practitioners and taxpayers; providing requirements for the conduct of certified audits; providing status of the audit report; amending s. 213.053, F.S.; authorizing the department to provide certain information to the Board of Accountancy or to a court with respect to a certified public accountant participating in the project; amending s. 213.21, F.S.; authorizing settlement or compromise of penalties and abatement of interest for taxpayers who participate in the project; providing for repeal of the certified audit program; amending s. 213.67, F.S.; prohibiting disposition of assets of a delinquent taxpayer that come into the possession of another person after that person receives garnishment notice from the department for a specified period; permitting disposition of property in excess of notice amount; requiring the garnishee to notify the department of such assets; providing that the garnishment notice remains in effect while a taxpayer's contest of an intended levy is pending; requiring a financial institution to maintain a right of setoff for certain debit card transactions; amending s. 215.26, F.S.; reducing the application period for refunds of taxes paid in error; specifying the amount of tax that may be refunded when the law under which a tax was imposed is held invalid; providing that claims for less than \$25 shall not be the basis for membership in a class action seeking refund; specifying the statutes under which an action to contest the denial of a tax or fee refund may be brought and requiring denial of a refund application before such action may be initiated; requiring denial of a refund claim if a taxpayer has not contested or has unsuccessfully contested an administrative garnishment; requiring the department to issue a notice of intent to deny a claim if a taxpayer claims a refund based on the unconstitutionality or invalidity of a statute and the statute has not previously been adjudicated unconstitutional or invalid by a court of competent jurisdiction; amending s. 220.03, F.S.; updating references to the Internal Revenue Code for corporate income tax purposes; providing for retroactive effect; providing effective dates.

By the Committee on Criminal Justice and Senator Meadows—

**CS for SB 1880**—A bill to be entitled An act relating to the Department of Law Enforcement; amending s. 943.03, F.S.; requiring the Department of Law Enforcement to develop and maintain, in consultation with the Criminal and Juvenile Justice Information Systems Council, an information system in administrative support of the state criminal and juvenile justice system; amending s. 20.315, F.S.; providing for maintenance by the Department of Corrections of an offender-based information system; amending s. 20.316, F.S.; conforming terminology relating to development by the Department of Juvenile Justice of a juvenile justice information system; removing a provision requiring a report by the department to the council; amending s. 186.022, F.S., relating to state agency strategic plans; providing for review by the Executive Office of the Governor of recommendations of the council; conforming a cross-reference; amending s. 216.0445, F.S.; providing that the executive director shall consider any findings and recommendations made by the council; conforming terminology; amending s. 282.1095, F.S., relating to the state agency law enforcement radio system; reducing the membership of the Joint Task Force on State Agency Law Enforcement Communications to eliminate a representative of the council; amending s. 282.111, F.S., relating to the statewide system of regional law enforcement communications; removing a provision requiring certain consultation by the Division of Communications with the council; amending s. 943.08, F.S.; deleting obsolete provisions; requiring the council to review proposed plans and policies for the information system of the specified agencies to assist in facilitating the standardization, sharing, and coordination of criminal and juvenile justice data and other specified data; requiring the council to make recommendations to specified agencies; requiring recommendations regarding the installation and operation of

the Florida Criminal Justice Intranet Service Network, of which the department will be the custodial manager, and specifying its functions; requiring recommendations concerning the participation of specified entities in the Intranet Service Network; requiring recommendations concerning installation and operation of such a statewide network in each judicial circuit; providing legislative intent that future equipment capable of certain technologies within the specified entities be compatible with certain standards; amending s. 943.10, F.S.; prohibiting an auxiliary certified correctional officer from directly supervising inmates without accompaniment by a fully certified officer; defining the terms "part-time correctional probation officer," "diverse population," and "criminal justice executive" with respect to specified provisions in ch. 943; amending s. 943.13, F.S., relating to officers' minimum qualifications for employment or appointment; clarifying that such qualifications apply to full-time, part-time, and auxiliary correctional or correctional probation officers; providing that such qualifications apply to correctional officers employed by the Correctional Privatization Commission; providing that applicants for auxiliary officers are not required to take a certification examination; amending s. 943.131, F.S.; revising requirements for officers' temporary employment or appointment; amending s. 943.133, F.S.; revising criteria with respect to employing agency responsibility for compliance with employment requirements and background investigations; amending s. 943.139, F.S.; providing for electronic transmission of information in an officer's affidavit-of-separation form; amending s. 943.1715, F.S.; revising provisions relating to basic skills training of officers; providing for basic skills training relating to diverse populations; deleting provisions regarding racial and ethnic minorities; amending s. 943.1716, F.S.; providing for continued employment training relating to diverse populations; deleting provisions regarding racial and ethnic minorities; amending s. 943.175, F.S.; revising certain requirements with respect to approval or recording of specialized training programs or courses; amending s. 943.1755, F.S., relating to the Florida Criminal Justice Executive Institute; providing legislative finding and authority of the institute relating to improvement of law enforcement interaction in communities of diverse population; removing certain definitions; amending s. 943.1757, F.S.; providing for skills training of criminal justice executives relating to diverse populations; deleting provisions regarding racial and ethnic minorities; revising duties of the policy board of the institute, to conform; amending s. 943.1758, F.S.; providing for curriculum revision for diverse populations skills training; amending s. 943.25, F.S., relating to criminal justice trust funds; removing a limitation with respect to assessment of certain additional court costs against convicted persons; revising guidelines relating to certain revenues generated from moneys in such trust funds; amending s. 318.18, F.S.; providing for court imposition of a \$3 court cost for a noncriminal traffic infraction and providing for distribution thereof pursuant to specified provisions relating to criminal justice trust funds; reenacting s. 318.121, F.S., to incorporate the amendment in a reference; providing an effective date.

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By the Committee on Community Affairs and Senator Lee—

**CS for SB 1958**—A bill to be entitled An act relating to the municipal public service tax; providing legislative intent; amending s. 166.231, F.S.; providing that specified governmental bodies are exempt from the tax; exempting certain religious institutions from the tax on telecommunication services; revising provisions relating to determination of the situs of telecommunication services; providing requirements for returns and remittance of the tax on telecommunication services; requiring certain purchasers claiming exemptions to certify that they are qualified therefor; requiring governmental bodies that sell taxable services to nonexempt users to collect and remit the tax; creating s. 166.233, F.S.; providing requirements for levy of the tax; specifying effective dates; providing duties of the Department of Revenue; requiring municipalities to furnish certain information relating to the tax to the Department of Revenue and to other persons; providing for fees; providing limitations on the responsibilities of sellers if information is not furnished as required; providing procedures that apply when more than one municipality claims an address or when information does not conform to the seller's address records; creating s. 166.234, F.S.; providing procedures for audits of sellers by municipalities; prohibiting contingent fee audits; prescribing record retention requirements for sellers; providing time limitations on assessments of taxes and on applications for refunds or credits; providing for offsets of overpayments against underpayments and for refunds and credits; authorizing municipalities to assess interest and penalties; providing requirements with respect to a determination

by a municipality of amounts of tax; providing protest procedures and judicial remedies; providing for settlement or compromise of a seller's liability for taxes; providing for interest on refunds if a law is enacted requiring interest on sales or gross receipts tax refunds; providing rights and duties of municipalities and sellers; providing for communications between municipalities with respect to specified matters relating to audits and the identities of sellers; prescribing the circumstances for assessment of audit expenses against a seller; providing a schedule for application of the requirements of the act; providing an appropriation; providing for severability; providing an effective date.

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By the Committee on Criminal Justice and Senators Kirkpatrick and Holzendorf—

**CS for SB 2000**—A bill to be entitled An act relating to medical examiners; amending s. 406.11, F.S.; requiring notification of next of kin in any case in which a body part of the deceased is dismembered or severed; requiring notification and approval of next of kin if a procedure of the medical examiner on a dead human body is not necessary to the determination of identification, cause, or manner of death; restricting the authority of a medical examiner to perform autopsies or laboratory examinations; prohibiting the sale, donation, or contribution of a body part of the deceased without the consent of the deceased's next of kin; providing a penalty; providing an effective date.

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

**CS for SB 2048**—A bill to be entitled An act relating to economic development; authorizing the Secretary of State to commission Florida international notaries; providing definitions; providing rulemaking authority; authorizing the use of authentication methods by international notaries; providing for effect of acts of international notaries; repealing ss. 118.01, 118.02, 118.03, 118.04, F.S., relating to commissioners of deeds; amending s. 14.2015, F.S.; removing redundant provisions; removing provisions allowing the Office of Tourism, Trade, and Economic Development to contract and use a percentage of appropriated funds for administrative purposes; revising the office's responsibilities for planning meetings of leaders in business, government, and economic development; amending s. 15.182, F.S.; requiring certain state-funded musical, cultural, or artistic organizations to notify the Department of State of their international travel plans; directing the department, in conjunction with Enterprise Florida, Inc., to act as an intermediary between such organizations and Florida businesses; requiring the Department of Lottery to determine the feasibility of marketing the Florida Lottery internationally; amending s. 48.194, F.S., relating to personal service outside the state; specifying that service of process on persons outside the United States may be required to comply with a certain international convention; amending s. 288.012, F.S.; providing legislative intent; requiring the Office of Tourism, Trade, and Economic Development to develop a plan for State of Florida foreign offices; requiring each foreign office to have an operational plan; amending s. 288.047, F.S.; proscribing certain uses of funds for the Quick-Response Training Program; authorizing Enterprise Florida, Inc., to establish a pilot matching grant program for the provision of job-training grants; requiring Enterprise Florida, Inc., to establish guidelines for the program; limiting the use of grant funds; requiring a grant agreement and a report on program results; specifying that the same proposal may not provide the basis for the award of training under this pilot training program and the Quick Response Training Program; amending s. 288.063, F.S.; proscribing certain uses of funds for contracts for economic development transportation projects; amending s. 288.1045, F.S.; providing for the qualified defense contractor tax refund program to be administered by the Office of Tourism, Trade, and Economic Development within the Executive Office of the Governor; revising the definition of an applicant under such program; deleting a time requirement to sign agreements; providing for a prorated tax refund with penalty if the number of jobs is less than projected; proscribing certain uses of funds for such program; correcting a statutory reference; amending s. 288.106, F.S.; proscribing certain uses of funds for the tax refund program for qualified target industry businesses; providing for a waiver of requirements for the estimated annual average wage that must be paid by an applicant business; providing prerequisites and procedures; amending s. 288.772, F.S.; revising the definition of the term "board" with respect to the Florida Export

Finance Corporation; amending s. 288.775, F.S.; requiring the board of the Florida Export Finance Corporation to create the Florida Export Finance Corporation guarantee account; amending s. 288.776, F.S.; revising the membership of the board of the Florida Export Finance Corporation; providing for appointment of members to the board; amending s. 288.777, F.S.; revising provisions relating to the appointment of a president for the Florida Export Finance Corporation; directing the board of the corporation to appoint such president; amending s. 288.7771, F.S.; revising the deadline for submitting an annual report for the Florida Export Finance Corporation; amending s. 288.816, F.S.; revising the responsibilities of the Secretary of State with respect to intergovernmental relations; requiring law enforcement agencies to inform the Department of State about the arrest or incarceration of foreign citizens; requiring the secretary to report to the Legislature on actions taken to inform law enforcement agencies on proper procedures relating to such arrest or incarceration; amending s. 288.8175, F.S.; authorizing the Florida linkage institutes to accept and administer funds from the Department of State for research and development of international trade; amending s. 288.9015, F.S.; providing for the responsibilities of Enterprise Florida, Inc., with respect to workforce development to include participants in the WAGES Program; specifying that Enterprise Florida shall provide leadership in job creation, including jobs for residents who are economically disadvantaged or who are participants in the WAGES Program or otherwise receive public assistance; requiring Enterprise Florida, Inc., to prepare a guide and checklist for starting and operating a business in Florida; requiring Enterprise Florida, Inc., to develop and maintain certain records on regulatory requirements; amending s. 288.903, F.S.; requiring the president of Enterprise Florida, Inc., to coordinate Enterprise Florida, Inc., activities with respect to participants in the WAGES Program; amending s. 288.905, F.S.; revising requirements for the strategic plan prepared by Enterprise Florida, Inc.; providing for modifications and updates to the strategic plan; requiring that specific issues be included in the strategic plan; requiring the development of measurable objectives and performance outcomes; amending s. 288.906, F.S.; revising requirements for the annual report by Enterprise Florida, Inc.; requiring specific evaluations and assessments to be included in the annual report; requiring an annual compliance and financial audit; creating s. 288.9415, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to administer funds for international trade promotion grants; providing application criteria for such grants; directing the International Trade and Economic Development Board of Enterprise Florida, Inc., to review such grant applications and make recommendations to the Office of Tourism, Trade, and Economic Development; authorizing the Office of Tourism, Trade, and Economic Development to establish a targeted market pilot grant program to provide funding designed to match Florida businesses with international trade opportunities; providing application procedures and criteria; amending s. 288.9614, F.S.; authorizing the capital development board of Enterprise Florida, Inc., to take actions for the development of microenterprises; amending s. 288.9620, F.S.; requiring the Enterprise Florida, Inc., workforce development board to include participants in the WAGES Program within populations selected for resources, guidance, or services; amending s. 290.0411, F.S.; revising the legislative intent for the Florida Small Cities Community Development Block Grant Program Act to include pledging public money to guarantee loans; amending s. 290.044, F.S.; expanding administration of the Florida Small Cities Community Development Block Grant Program Fund to include loan guarantees; conforming provisions; creating s. 290.0455, F.S.; creating the Small Cities Community Development Block Grant Loan Guarantee Program; providing for the purpose, administration, and conditions of the program; authorizing the Department of Community Affairs to pledge revenues from the community development block grant program in order to guarantee certain loans; amending s. 290.047, F.S.; exempting the loan guarantee program authorized under s. 290.0455, F.S., from certain grant ceiling requirements; providing for grant ceilings under the Community Development Block Grant Program to be reduced based on defaults on guaranteed loans; amending s. 290.048, F.S.; authorizing the Department of Community Affairs to pledge community development block grant revenues to guarantee certain notes or obligations; amending s. 320.20, F.S.; requiring the deposit of a certain amount of funds into the State Transportation Trust Fund for seaport projects; creating s. 337.023, F.S.; authorizing the Department of Transportation, when selling a building, to accept the construction of a replacement building totally or partially in lieu of cash; providing for review and approval of such action; amending s. 380.06, F.S.; requiring local government comprehensive plan amendments related to a proposed development of regional impact to be considered concurrently with the application for development approval; amending s. 455.213, F.S.; authorizing the Department of Business and

Professional Regulation to appoint the county tax collector as an agent of the department for purposes of accepting applications for licenses or renewals of licenses; amending s. 455.2141, F.S.; authorizing the Agency for Health Care Administration to appoint the county tax collector as an agent of the agency for purposes of accepting applications for licenses or renewals of licenses; authorizing the Department of State to appoint the county tax collector as an agent of the department for purposes of accepting applications for licenses or similar registrations, or renewals of licenses or similar registrations; amending s. 624.426, F.S.; exempting certain U.S. Customs surety bonds from the resident agent and counter-signature law; providing severability; providing an effective date.

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By the Committee on Criminal Justice and Senator Silver—

**CS for SB 2186**—A bill to be entitled An act relating to criminal history background checks; providing legislative intent; creating s. 943.083, F.S.; providing that certain religious, charitable, scientific, educational, athletic, or service institutions or organizations or local governmental entities with volunteers or employees or applicants for employment working with, or having regular unsupervised access to, children, elderly persons, or individuals with disabilities may make certain requirements upon such volunteers, employees, or applicants; providing that the volunteer, employee, or applicant be required to agree to the release of investigative records, provide fingerprints and other information necessary for criminal history records checks by the Florida Department of Law Enforcement and Federal Bureau of Investigation, agree to notification by the department to the institution or organization or local governmental entity regarding certain previous convictions, under specified circumstances, and attend a training program; providing for fees for requested records checks; authorizing additional positions within the department in excess of the total number of authorized positions provided in the appropriation acts; providing for funding from the Law Enforcement Operating Trust Fund; providing an effective date.

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By the Committee on Judiciary and Senators Harris and Grant—

**CS for 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; requiring shared parental responsibility in rotating custody cases; 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.

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By the Committee on Criminal Justice and Senator Dantzler—

**CS for SB 2314**—A bill to be entitled An act relating to motor vehicles and mobile homes; 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.

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

**CS for SB 2352**—A bill to be entitled An act relating to nonresident public adjusters; creating s. 626.8591, F.S.; providing a definition; creating s. 626.8681, F.S.; providing qualifications for licensure as a nonresident public adjuster by the Department of Insurance; providing requirements for an applicant for licensure; requiring an applicant to file a bond with the department of a specified amount; providing requirements with respect to retaining records; requiring a nonresident public adjuster to submit an affidavit to the department; providing certain limitations on the license that may be issued by the department; providing rulemaking authority for the department; providing requirements for the period of time that a nonresident public adjuster may occupy an office in the state; providing for the department to extend such period; creating s. 626.8694, F.S.; providing for appointment of the Insurance Commissioner and Treasurer for the purpose of receiving service of process filed against a nonresident public adjuster; creating s. 626.8801, F.S.; providing a penalty; amending s. 626.869, F.S., relating to the licensing of adjusters;

clarifying certain exceptions that apply to the issuance by the department of a limited license; providing an effective date.

By the Committee on Criminal Justice and Senator Ostalkiewicz—

**CS for SB 2362**—A bill to be entitled An act relating to criminal justice; creating the “Prison Releasee Reoffender Punishment Act”; amending s. 775.082, F.S.; defining “prison releasee reoffender”; providing that certain reoffenders are ineligible for sentencing under the sentencing guidelines under specified circumstances when the reoffender has been released from correctional custody and, within 3 years of being released, commits treason, murder, manslaughter, sexual battery, car-jacking, home-invasion robbery, robbery, arson, kidnapping, aggravated assault, aggravated battery, aggravated stalking, aircraft piracy, unlawful throwing, placing, or discharging of a destructive device or bomb, a felony involving the use or threat of physical force or violence against an individual, armed burglary, burglary of an occupied structure or dwelling, burglary when the person has two prior felony convictions, or a felony violation of s. 790.07, F.S., relating to having a weapon while engaged in a criminal offense, of s. 800.04, F.S., relating to lewd, lascivious, or indecent assault or act upon or in presence of child, of s. 827.03, F.S., relating to abuse, aggravated abuse, or neglect of child, or of s. 827.071, F.S., relating to sexual performance by a child; providing for such reoffender to be sentenced to specified mandatory minimum sentences; making such reoffender ineligible for parole, probation, or early release; providing legislative intent with respect to punishment in reoffender cases; amending s. 944.705, F.S., relating to the release orientation program; requiring notice to certain released offenders by the Department of Corrections with respect to the new minimum mandatory sentencing provisions; providing for inadmissibility of certain evidence regarding departmental failure to provide such notice; amending s. 947.141, F.S.; providing for mandatory forfeiture of previously granted early release credits under specified circumstances when conditional release, control release, or conditional medical release is revoked; amending s. 948.06, F.S.; permitting a law enforcement officer to arrest a probationer or offender in community control upon probable cause that the probationer or offender has materially violated probation or community control, under specified circumstances; providing for mandatory forfeiture of previously granted early release credits under specified circumstances when probation or community control is revoked; reenacting ss. 948.01(9) and (13)(b) and 958.14, F.S., to incorporate said amendment in references; providing an effective date.

## MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State CS for SB 160, CS for SB 284, SB 332 and CS for SB 778 which he approved on April 17, 1997.

## 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 HB 305, HB 397, HB 1827; has passed as amended CS for HB 311, CS for CS for HB 379, HB 385, CS for HB 501, HB 507, HB 627, HB 909, HB 947, CS for HB 991, HB 1073, HB 1101, HB 1139, CS for CS for HB 1371, CS for HB 1505, HB 1817, HB 1819, HB 1821, HB 1823, HB 1825, HB 1829, HB 1831, HB 1833, HB 1835, HB 1837, HB 1839 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

By Representative Ritter and others—

**HB 305**—A bill to be entitled An act relating to controlled substances; amending s. 893.13, F.S.; prohibiting the sale, manufacture, or delivery of controlled substances, or possession of controlled substances with intent to sell, manufacture, or deliver, within 1,000 feet of the real property comprising a child care facility; providing penalties; amending

s. 921.0012, F.S.; providing for classification of such offenses within the offense severity ranking chart; providing an effective date.

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

By Representative Lippman and others—

**HB 397**—A bill to be entitled An act relating to international banking; amending s. 655.059, F.S.; providing for access to books and records of international banking corporations under certain circumstances; amending s. 663.01, F.S.; revising a definition; amending s. 663.07, F.S.; clarifying exclusion of certain deposits, borrowings, and credit of international banking facilities from total assets and liabilities; clarifying certain cash and security deposit requirements for international bank agencies or international branches; creating ss. 663.16-663.181, F.S.; providing for liquidation of international bank agencies and branches; providing definitions; providing for possession of a business and property by the Department of Banking and Finance; providing for inventory of assets; providing for wages; providing for deposit of certain assets; providing for appointment of agents and judges; providing for repudiation of contracts; providing for liability on repudiation or termination of contracts; providing for retention of certain security interests under qualified financial contracts; providing for effects on leases under repudiated contracts; providing for effect of possession of an international banking corporation by the department; providing for damages; requiring notice of taking possession; providing criteria; providing for disposition of certain property; providing for claims; providing procedures; exempting the department from paying certain fees; providing for challenging possession of an international banking corporation by the department; repealing s. 663.02(2), F.S., relating to applicability of certain state banking laws to certain financial institutions; providing an effective date.

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

By the Committee on Criminal Justice Appropriations and Representative Villalobos—

**HB 1827**—A bill to be entitled An act relating to implementing the fiscal year 1997-1998 General Appropriations Act in the area of criminal justice; providing legislative intent; providing the Florida Department of Law Enforcement performance-based program budgeting incentives consistent with s. 216.163, F.S., relating to the Governor's recommended budget; providing for future repeal; amending s. 216.301, F.S.; providing for appropriation of certain unexpended and unobligated balances of the Supreme Court and the district courts of appeal; providing for future repeal; providing severability; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Water and Resource Management; and Representative Smith and others—

**CS for HB 311**—A bill to be entitled An act relating to the Florida Preservation 2000 Program; amending ss. 259.032 and 373.59, F.S.; revising the ad valorem tax millage that must be levied by certain counties to receive payments in lieu of taxes from funds in the Conservation and Recreation Lands Trust Fund or Water Management Lands Trust Fund for tax losses incurred as a result of acquisitions under the program; providing an effective date.

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

By the Committees on Law Enforcement and Public Safety; Law Enforcement and Public Safety; and Representative Bronson and others—

**CS for CS for HB 379**—A bill to be entitled An act relating to carrying of self-defense weapons or devices; amending s. 790.001, F.S.; provid-

ing an exception for certain self-defense chemical sprays from the definition of "tear gas gun" or "chemical weapon or device"; providing a definition of "self-defense chemical spray" and "remote stun gun"; amending s. 790.01, F.S., relating to carrying concealed weapons; providing that self-defense chemical sprays and nonlethal stun guns and other nonlethal electric weapons or devices may be lawfully carried in a concealed manner in certain circumstances; clarifying language; providing for construction not to preclude criminal prosecutions; amending s. 790.053, F.S., relating to open carrying of weapons; providing that self-defense chemical sprays and nonlethal stun guns and other nonlethal electric weapons or devices may be lawfully carried in an open manner in certain circumstances; clarifying language; creating s. 790.054, F.S.; defining the offense of knowingly and willfully using self-defense chemical sprays and nonlethal stun guns and other nonlethal electric weapons or devices against a law enforcement officer engaged in official duties, and providing penalties therefor; providing effective dates.

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

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By Representative Feeny and others—

**HB 385**—A bill to be entitled An act relating to sentencing; amending s. 775.0845, F.S.; restating legislative intent with respect to sentencing for offenses committed while wearing a mask, hood, or similar device; providing an effective date.

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

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By the Committee on Water and Resource Management; and Representative Laurent and others—

**CS for HB 501**—A bill to be entitled An act relating to drainage districts; amending ss. 298.005, 298.11, 298.12, 298.15, 298.16, 298.22, 298.23, 298.24, 298.25, 298.26, 298.28, 298.36, 298.47, and 298.59, F.S.; creating ss. 298.225, 298.301, 298.305, 298.329, 298.333, 298.337, 298.341, 298.345, 298.349, and 298.353, F.S.; providing definitions; deleting references to Melbourne-Tillman Water Control District; providing for the water management plan to be renamed the water control plan; providing for the water control plan to serve the functions of the former plan of reclamation; providing for the jurisdictional water management district to provide certain review responsibilities previously provided by the Department of Environmental Protection; providing for the appointment of certain supervisors by the Governor; revising powers of water control district supervisors; substituting power to adopt policies and resolutions for power to adopt rules; providing revised water control plan adoption and amendment requirements; providing for assessment of lands; providing duties for district engineer and district attorney; providing for the levy and enforcement of non-ad valorem assessments; authorizing the issuance of bonds; providing for liens; providing for a uniform initial acreage assessment for payment of expenses; authorizing districts to designate financial units; amending s. 190.013, F.S.; correcting a cross reference; repealing s. 298.07, F.S., which provides for the water management plan; repealing s. 298.27, F.S., which provides for the plan of reclamation; repealing s. 298.29, F.S., which provides for the levy and collection of taxes; repealing s. 298.30, F.S., which provides for appraisal of lands; repealing s. 298.31, F.S., which provides for appointment of commissioners; repealing s. 298.32, F.S., which provides for duties of commissioners, district attorney, and district engineer; repealing s. 298.33, F.S., which provides for notice of report; repealing s. 298.34, F.S., which provides for exceptions to report; repealing s. 298.35, F.S., which provides for plan of reclamation; repealing s. 298.467, F.S., which prohibits the Department of Environmental Protection from borrowing money; repealing s. 298.55, F.S., which provides for readjustment of assessment of benefits; providing an effective date.

—was referred to the Committee on Natural Resources.

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By Representative Trovillion—

**HB 507**—A bill to be entitled An act relating to driver's licenses, identification cards, and motor vehicle registrations; amending s.

61.13016, F.S.; specifying requirements for giving a delinquent child-support obligor notice of delinquency and intent to suspend; amending s. 322.245, F.S.; providing notice in accordance with s. 61.13016, F.S.; amending s. 322.32, F.S.; deleting reference to possession of a fictitious or fraudulently altered driver's license, knowingly permitting another to use one's driver's license, using another's driver's license, and permitting unlawful use of a driver's license; amending s. 322.212, F.S.; providing that it is unlawful for any person knowingly to possess any instrument in the similitude of a driver's license issued by the Department of Highway Safety and Motor Vehicles or of any other state or jurisdiction that issues licenses recognized in this state for the operation of a motor vehicle, or any identification card issued by the department or of another state or jurisdiction, unless possession by such person has been duly authorized by the department; providing penalties; providing that it is unlawful to allow another to use one's driver's license or identification card or to use another's driver's license or identification card; amending s. 831.29, F.S.; prohibiting the possession, use, or transport of implements and materials used to produce identification cards; amending s. 921.0012, F.S.; conforming cross-references; providing an effective date.

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

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By Representative Goode and others—

**HB 627**—A bill to be entitled An act relating to community redevelopment and neighborhood improvement; amending s. 163.340, F.S.; including the reduction or prevention of crime within community redevelopment activities under the Community Redevelopment Act of 1969 and defining "community policing innovation"; amending ss. 163.345, 163.350, 163.356, 163.358, 163.360, 163.361, 163.370, 163.380 and 163.387, F.S.; including the development and implementation of community policing innovations in provisions relating to the encouragement of private enterprise participation in redevelopment, elements of the workable program, exercise of powers under the act, and elements of the community redevelopment plan; authorizing the county or municipality to appropriate funds for community policing innovations; authorizing use of moneys in the redevelopment trust fund for community policing innovations; providing an additional requirement for acquisition of land for nonresidential uses; subject to specified conditions, authorizing a county, municipality, or community redevelopment agency to acquire and dispose of certain properties immediately adjacent to existing projects without complying with specified disposition procedures; amending ss. 163.502, 163.503, 163.506, 163.511, 163.512, 163.513, 163.514, 163.516, 163.519, and 163.521, F.S.; including crime prevention through development and implementation of community policing innovations in powers of neighborhood improvement districts under the Safe Neighborhoods Act; authorizing use of special assessments for community policing innovations; including community policing innovations within safe neighborhood improvement plans; providing duties of the Department of Legal Affairs with respect to community policing innovations; including capital improvements related to community policing innovations in provisions which authorize certain local governments to request state funding for certain capital improvements; creating s. 943.1729, F.S.; authorizing the Criminal Justice Standards and Training Commission to incorporate community policing concepts into law enforcement officers' certification curriculum and establish a community policing continued-employment training component for such officers; providing an effective date.

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

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By Representative Crady and others—

**HB 909**—A bill to be entitled An act relating to weapons and firearms; providing that a nonresident who is a United States citizen may carry a concealed weapon or firearm in this state if the nonresident has attained a specified age and holds a valid license to carry a concealed weapon or firearm issued in another state; providing that a nonresident is subject to the same laws and restrictions as a licensee in Florida; providing that an out-of-state license to carry a concealed weapon or firearm remains in effect for a certain period following the date the

holder of the license establishes legal residence in this state; specifying how legal residence is established; providing an effective date.

—was referred to the Committee on Criminal Justice.

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By Representative Safley and others—

**HB 947**—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.

—was referred to the Committee on Regulated Industries.

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

**CS for HB 991**—A bill to be entitled An act relating to high school athletics; designating a nonprofit organization to govern athletes in the public schools; requiring bylaws establishing eligibility for student participation in athletic competition; providing for the structure, duties, and responsibilities of the organization; requiring a due process procedure; providing for bylaws to require member schools to adopt nationally recognized rules for sports; providing an effective date.

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

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By Representative Wiles and others—

**HB 1073**—A bill to be entitled An act relating to land reclamation; amending s. 378.601, F.S.; exempting certain heavy mineral mining operations from requirements for development of regional impact review; requiring certain permits or plan approvals; amending s. 378.035, F.S.; providing for use of Nonmandatory Land Reclamation Trust Fund moneys for reclamation and management of phosphate lands; providing for liens; requiring a report; amending s. 378.901, F.S.; providing conditions when a life-of-the-mine permit for sand mines may be issued; providing an effective date.

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

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By the Committee on Law Enforcement and Public Safety; and Representative Futch and others—

**HB 1101**—A bill to be entitled An act relating to the Florida Crimes Compensation Act; amending s. 960.03, F.S.; revising the definition of “crime” with respect to the Florida Crimes Compensation Act; conforming terminology and a cross reference; expanding the definition to include certain acts of mass violence and international terrorism committed against residents of this state; providing an effective date.

—was referred to the Committee on Criminal Justice.

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By Representative Sindler and others—

**HB 1139**—A bill to be entitled An act relating to public records; amending s. 828.30, F.S.; providing an exemption from public records

requirements for information contained in a rabies vaccination certificate; authorizing disclosure to certain public agencies and to other persons under certain conditions; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was referred to the Committee on Agriculture.

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By the Committees on Criminal Justice Appropriations; Crime and Punishment; and Representative Villalobos and others—

**CS for CS for HB 1371**—A bill to be entitled An act relating to criminal justice; creating the “Prison Releasee Reoffender Punishment Act”; amending s. 775.082, F.S.; defining “prison releasee reoffender”; providing that certain reoffenders are ineligible for sentencing under the sentencing guidelines under specified circumstances when the reoffender has been released from correctional custody and, within 3 years of being released, commits treason, murder, manslaughter, sexual battery, carjacking, home-invasion robbery, robbery, arson, kidnapping, aggravated assault, aggravated battery, aggravated stalking, aircraft piracy, unlawful throwing, placing, or discharging of a destructive device or bomb, a felony involving the use or threat of physical force or violence against an individual, armed burglary, burglary of an occupied structure or dwelling, burglary when the person has two prior felony convictions, or a felony violation of s. 790.07, F.S., relating to having weapons while engaged in criminal offense, s. 800.04, F.S., relating to lewd, lascivious, or indecent assault or act upon or in presence of child, s. 827.03, F.S., relating to abuse, aggravated abuse, or neglect of child, or s. 827.071, F.S., relating to sexual performance by a child; providing for such reoffender to be sentenced to specified mandatory minimum sentences; making such reoffender ineligible for parole, probation, or early release; providing for forfeiture by the reoffender of gain-time or other early release credits; providing legislative intent to prohibit plea bargaining in re-offender cases; requiring state attorneys to submit reports regarding any sentencing deviations; amending s. 944.705, F.S., relating to release orientation program; requiring notice to certain released offenders by the Department of Corrections with respect to the new minimum mandatory sentencing provisions; providing for inadmissibility of certain evidence regarding departmental failure to provide such notice; amending s. 947.141, F.S.; providing for mandatory forfeiture of previously granted early release credits under specified circumstances when conditional release, control release, or conditional medical release is revoked; amending s. 948.06, F.S.; permitting a law enforcement officer to arrest a probationer or offender in community control upon probable cause that the probationer or offender has materially violated probation or community control, under specified circumstances; providing for mandatory forfeiture of previously granted early release credits under specified circumstances when probation or community control is revoked; reenacting ss. 948.01(9) and (13)(b) and 958.14, F.S., to incorporate said amendment in references; providing an effective date.

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

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By the Committee on Environmental Protection and Representative Smith—

**CS for HB 1505**—A bill to be entitled An act relating to public water systems; amending s. 381.0062, F.S.; revising the definition of “public consumption”; reducing minimum fees for water systems under jurisdiction of the Department of Health; removing an annual testing requirement for an exemption from permitting for certain establishments with limited-use public water systems; providing for annual testing to retain potable water status; providing an effective date.

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

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By the Committee on Criminal Justice Appropriations and Representative Villalobos—

**HB 1817**—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 1997, and ending June 30, 1998, to pay salaries, and other expenses, capital outlay -

buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

—was referred to the Committee on Ways and Means.

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By the Committee on Transportation and Economic Development Appropriations; and Representative Merchant—

**HB 1819**—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 1997, and ending June 30, 1998, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

—was referred to the Committee on Ways and Means.

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By the Committee on General Government Appropriations and Representative K. Pruitt—

**HB 1821**—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 1997, and ending June 30, 1998, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

—was referred to the Committee on Ways and Means.

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By the Committee on Health and Human Services Appropriations; and Representative Sanderson—

**HB 1823**—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 1997, and ending June 30, 1998, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

—was referred to the Committee on Ways and Means.

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By the Committee on Education Appropriations and Representative Sublette—

**HB 1825**—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 1997, and ending June 30, 1998, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

—was referred to the Committee on Ways and Means.

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By the Committee on Transportation and Economic Development Appropriations; and Representative Merchant—

**HB 1829**—A bill to be entitled An act relating to implementing the fiscal year 1997-1998 General Appropriations Act in the area of transportation and economic development; providing legislative intent; amending s. 15.09, F.S.; authorizing the appropriation of funds from the Public Access Data Systems Trust Fund for the operations of the Department of State; amending s. 338.251, F.S.; authorizing a loan to the St. Lucie County Expressway Authority; providing for future repeal; providing an effective date.

—was referred to the Committee on Ways and Means.

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By the Committee on General Government Appropriations and Representative K. Pruitt—

**HB 1831**—A bill to be entitled An act relating to implementing the fiscal year 1997-1998 General Appropriations Act in the area of general

government; providing legislative intent; amending s. 372.672, F.S.; authorizing the appropriation of certain funds from the Florida Panther Research and Management Trust Fund to reimburse certain expenses relating to Texas cougars originally purchased as part of the Florida panther research and management program; providing for future repeal; amending s. 259.032, F.S.; authorizing the appropriation of certain funds in the Conservation and Recreation Lands Trust Fund for outdoor-recreation grants; providing for future repeal; amending s. 376.11, F.S.; authorizing the transfer of certain funds from the Florida Coastal Protection Trust Fund to the Ecosystem Management and Restoration Trust Fund to fund beach inlet protection; amending s. 259.032, F.S.; authorizing payment in lieu of taxes from the Conservation and Recreation Lands Trust Fund to counties with privately-owned and operated prisons leased to the state under certain circumstances; providing for future repeal; providing severability; providing an effective date.

—was referred to the Committee on Ways and Means.

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By the Committee on Health and Human Services Appropriations; and Representative Sanderson—

**HB 1833**—A bill to be entitled An act relating to implementing the fiscal year 1997-1998 General Appropriations Act in the area of health and human services; providing legislative intent; amending s. 216.292, F.S.; authorizing the Department of Children and Family Services and the Agency for Health Care Administration to transfer general revenue funds between them; providing for future repeal; eliminating a provision authorizing the Department of Children and Family Services to transfer general revenue funds to the Department of Revenue for child support enforcement; eliminating a provision authorizing the Agency for Health Care Administration to transfer general revenue funds and appropriate trust funds to the Department of Elderly Affairs for administrative support to implement the managed long-term care waiver; amending s. 409.9115, F.S.; specifying how the Agency for Health Care Administration shall make payments for the Medicaid disproportionate share program for mental health hospitals; providing for future repeal; amending s. 5, ch. 96-420, Laws of Florida; requiring the Agency for Health Care Administration to use a specified disproportionate share formula, specified audited financial data, and a specified Medicaid per diem rate in fiscal year 1997-1998 for qualifying hospitals; providing for future repeal; amending s. 409.9116, F.S.; altering the formula for rural hospital disproportionate share payments; providing for future repeal; amending s. 216.181, F.S.; authorizing the Department of Children and Family Services and the Department of Health to advance certain moneys for certain contract services; providing for future repeal; amending s. 624.91, F.S.; authorizing appropriation of funds to the Florida Healthy Kids Corporation to facilitate the provision of preventive health care services to children at certain sites; providing for future repeal; amending s. 10, ch. 96-420, Laws of Florida; directing the Agency for Health Care Administration to include health maintenance organization recipients in the county billing for a specified purpose; providing for future repeal; providing severability; providing an effective date.

—was referred to the Committee on Ways and Means.

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By the Committee on General Government Appropriations and Representative K. Pruitt—

**HB 1835**—A bill to be entitled An act relating to general government; amending s. 372.672, F.S.; clarifying uses of funds in the Florida Panther Research and Management Trust Fund; amending s. 259.101, F.S., relating to the Florida Preservation 2000 Act; providing funds for the purchase of lands necessary to restore Lake Apopka; amending s. 376.11, F.S.; clarifying uses of funds in the Florida Coastal Protection Trust Fund; amending s. 206.606, F.S.; providing for transfer of certain funds each fiscal year to the water management districts for aquatic plant management; amending ss. 369.20, 369.22, 369.25, 369.251, and 369.252, F.S.; transferring authority for aquatic plant control from the Department of Environmental Protection to the water management districts; amending ss. 403.813, 581.145, and 597.004, F.S., to conform; amending s. 253.783, F.S.; eliminating a provision prohibiting use of general revenue funds to repay interest owed to counties of the Cross Florida Barge Canal Navigation District; amending s. 61.1812, F.S.; revising funding and uses of the Child Support Incentive Trust Fund;

repealing part III of chapter 585, F.S., relating to animal and animal product inspection and labeling; repealing s. 205.1951, F.S., relating to prerequisites to issuing a local occupational license, to conform; amending ss. 570.50 and 570.51, F.S., relating to duties of the Division of Food Safety, to conform; repealing ss. 828.22-828.26, F.S., relating to humane slaughter requirements; amending ss. 877.05 and 877.06, F.S., relating to criminal prohibitions applicable to certain slaughtering, to conform; amending s. 215.3206, F.S.; prohibiting encumbrance of funds in a terminated trust fund; providing an effective date.

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

By the Committee on Health and Human Services Appropriations; and Representative Sanderson—

**HB 1837**—A bill to be entitled An act relating to health and human services; amending s. 945.602, F.S.; providing for assignment of the State of Florida Correctional Medical Authority to the Department of Health for administrative purposes; transferring to the department powers and duties of the State of Florida Correctional Medical Authority; transferring the Child Care Food Program from the Department of Education to the Department of Health and providing for hiring preferences; requiring the Department of Children and Family Services to develop individual transition plans for clients affected by the transition from Intermediate Care Facility for Developmentally Disabled funding to non-institutional funding; requiring a report; requiring the Department of Children and Family Services to immediately notify the Legislature and develop a spending plan if judicial decisions are continued or rendered which the Department feels will require expenditures in excess of the amount appropriated to Developmental Services; providing for future repeal; providing for privatization of the South Florida State Hospital and providing for hiring preferences; creating s. 409.9127, F.S.; requiring the Agency for Health Care Administration to develop and enforce standards to prohibit conflicts of interest among vendors selected to provide preauthorization and concurrent utilization review management services; authorizing the Department of Children and Family Services to certify local funds as state match for certain children's mental health services and for eligible Title IV-E services for certain children; requiring pass-through of funds to local jurisdictions; prohibiting reduction of certain general revenue funds; authorizing the Agency for Health Care Administration to apply for certain federal waivers if local funds are sufficient for state match; providing an effective date.

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

By the Committee on Education Appropriations and Representative Sublette—

**HB 1839**—A bill to be entitled An act relating to education finance; providing purposes of the act; providing for a revised funding model for exceptional student education programs and specifying use of a matrix of services; providing for review of delivery of services; providing for rules; providing funding requirements; amending s. 236.078, F.S.; conforming provisions; creating s. 236.08011, F.S.; providing for a Florida Education Finance Program for kindergarten through grade 12 and a Florida Education Finance Program for adults; providing for separate calculation and appropriation; amending s. 236.081, F.S., relating to funds for operation of schools; revising provisions to provide for annual allocations to school districts for the K-12 Florida Education Finance

Program and the adult Florida Education Finance Program; requiring the Commissioner of Education to specify a matrix of services and intensity levels for exceptional student education; revising program categories; revising provisions relating to calculation of each school district's student enrollment; providing a requirement relating to the computation of district required local effort; conforming provisions; amending s. 236.083, F.S.; authorizing the transfer of certain funds for student transportation; correcting a cross reference; amending s. 237.34, F.S.; revising provisions relating to cost accounting and reporting and program expenditure requirements; amending ss. 230.2305, 236.25, 236.602, 239.301, and 240.1161, F.S.; correcting cross references and conforming and clarifying language; amending s. 240.209, F.S., relating to Board of Regents' powers and duties; providing performance measures for program reviews; providing budget requirements and requiring documentation; amending s. 240.605, F.S., relating to Florida resident access grants; revising funding provisions; directing the State Board of Community Colleges and the Board of Regents to analyze the expenditure of PECO funds in order to reduce excessive costs; requiring the development of cost standards for facilities; requiring a report; amending s. 216.301, F.S., relating to the disposition of certain unspent appropriations of the Department of Education; amending s. 240.632, F.S.; providing that the Florida Martin Luther King, Jr., Institute for Nonviolence shall be a nonprofit corporation; specifying the mission of the institute; providing that certain provisions of law apply to the institute; revising membership of the institute; amending s. 240.631, F.S.; revising a definition, to conform; providing an effective date.

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

#### RETURNING MESSAGES—FINAL ACTION

*The Honorable Toni Jennings, President*

I am directed to inform the Senate that the House of Representatives has passed SB 52, SB 198, CS for SB 360, SB 406 and CS for CS for SB 1154.

*John B. Phelps, Clerk*

The bills contained in the foregoing message were ordered enrolled.

*The Honorable Toni Jennings, President*

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendment(s) and passed CS for CS for HB 3, as amended.

*John B. Phelps, Clerk*

#### CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 16 was corrected and approved.

#### CO-SPONSORS

Senator Dyer—SB 2

#### RECESS

On motion by Senator Bankhead, the Senate recessed at 12:57 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:30 a.m., Thursday, April 24.